



COMMERCIAL CANNABIS CULTIVATION

Application Package

Lake County Community Development
Department
March, 2018



Lake County Commercial Cannabis Cultivation Application Package

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Introduction

Lake County has adopted a comprehensive program for the regulation of commercial cannabis cultivation. The intent and purpose of the program is to establish reasonable regulations upon the manner in which cannabis may be cultivated in order to protect the public peace, health, safety, welfare and environment in Lake County and that is in conformance with the provisions of California Business and Professions Code, Health and Safety Code, and other provisions of State Law. It is also the intent of the Board of Supervisors that nothing in this program shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance. The provisions of this program are applicable to all persons and businesses whether the activities described herein were established before or after the effective date of the Cannabis Cultivation Ordinance.

This Application Package is intended to provide guidance to process and procedures for securing a permit from Lake County for the commercial cultivation of cannabis. This package does not include all the regulation of the Lake County Zoning Ordinance or Lake County Code. It is the responsibility of the applicant to become aware of all local and state regulations regarding cannabis cultivation. It is strongly recommended that applicants familiarize themselves with the State's regulations prior to submitting a permit application to the County.

State Laws and Regulations

SB 94 commonly referred to as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), approved by Governor Brown in June, 2017 is the primary piece of legislation that establishes the State of California's regulatory program for cannabis. This act does not supersede or limit Lake County's authority to regulate cannabis businesses through zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke. At this time Lake County has chosen to regulate cannabis businesses through the zoning ordinance.

CalCannabis Cultivation Licensing is a division of the California Department of Food and Agriculture (CDFA). They are responsible for the licensing and regulating commercial cannabis cultivators. CalCannabis manages the state's track-and-trace system, which tracks all commercial cannabis and cannabis products—from cultivation to sale. In addition to a County permit, a State license is required to cultivate cannabis commercially in Lake County. For more information about CalCannabis go to: <http://cannabis.cdfa.ca.gov/>.

The Bureau of Cannabis Control is responsible for regulating commercial cannabis licenses for retailers, distributors, microbusinesses, testing laboratories, and temporary cannabis events. For more information about the Bureau go to: <http://www.bcc.ca.gov/>.

Lake County Regulations

Lake County's regulations regarding the commercial cultivation of cannabis are found in Chapter 21 of the Lake County Code (the Zoning Ordinance). Article 72 was adopted on December 17, 2013 addressing the regulation of cannabis cultivation for qualifying patients, primary caregivers, and collectives. Through Article 72, it is the intent of the Board of Supervisors to prohibit the large scale cultivation of marijuana used for non-medical purposes, while regulating the non-commercial cultivation of limited amounts of marijuana for medical purposes to accommodate the needs of qualified patients and/or their caregivers, in order to protect Lake County's unique and sensitive environment, and to preserve the public peace, health, safety and general welfare of the citizens of, and visitors to the County. It is also the intent of the Board of Supervisors that nothing in the Article be construed to allow persons to engage in conduct that endangers others or causes a public nuisance or to allow the use or diversion of marijuana for non-medical purposes.

Article 72 established regulations for medical cannabis cultivation but did not create a permitting system. In 2017, the board of Supervisors amended the Article and created a self-certification program whereby an individual could self-certify

that they were in compliance with Article 72. Upon confirmation through a compliance monitoring site visit, either a Certificate of Recognition of Compliance or Good Standing for those in operation prior to September 1, 2016 or Conditional Certificate of Recognition of Compliance for those operating after September 1, 2016 would be issued. Both certificates were good for a one year period and could be renewed upon confirmation of the certification through a compliance monitoring. The self-certification program expired March 31, 2018.

On March 20, 2018, the Board of Supervisors adopted an amendment to Article 27 of the Zoning Ordinance, creating a regulatory program for adult use, qualifying patient, and primary caregiver cannabis cultivation and commercial cannabis cultivation. The commercial cannabis cultivation regulatory program consists of three different types of permits and a procedure for the early activation of a minor or major use permit for cannabis cultivation. This application package describes that regulatory program.

Adult Use, Qualifying Patients, Primary Caregivers

The County's cannabis cultivation ordinance regulates the adult use, qualifying patient, and primary caregiver cultivation of cannabis. This application package does not address that aspect of cultivation. For more information on the adult use, qualifying patient, and primary caregiver cultivation of cannabis, please contact the Lake County Community Development Department.

Permits

There are three different types of permits for commercial cannabis cultivation in Lake County. A single applicant or permit holder is limited to four permits and a parcel cannot have more than four permit located on there. The following table is a general summary of each type. The more detailed requirements follows.

Permit	General Requirements
Minor Use Permit for Legal Non-conforming Article 72 Compliant Cultivation Site	<ul style="list-style-type: none"> • For all type 1 State licenses. • Requires a Conditional Certificate of Recognition of Compliance. • Requires all State licenses and permits • Duration 2 years with no renewal. • Limited to 48 mature or 72 immature cannabis plants. • Site cannot be expanded. • 30 to 60 days permit processing time.
Minor Use Permit for Commercial Cannabis Cultivation	<ul style="list-style-type: none"> • For all type 1, 2, and 4 State licenses. • Shall be enrolled with the applicable Regional Water Quality Control Board or State Water Resources Control Board as of March 20, 2018. • A minimum score of 75% on performance standards score. • Shall be located in "APZ", Agriculture Preserve Zone, "A", Agriculture, "TPZ" Timber Preserve Zone, "RL", Rural Lands, "RR" Rural Residential, or "SR" Suburban Reserve zoning districts. • Shall not be located within a cannabis cultivation exclusion zone (Appendix A). • Shall complete a pre-application conference. • Duration of permit up to ten years. • 6 months permitting processing time.
Major Use Permit for Commercial Cannabis Cultivation	<ul style="list-style-type: none"> • For all type 3 State licenses. • Shall be enrolled with the applicable Regional Water Quality Control Board or State Water Resources Control Board as of March 20, 2018. • A minimum score of 75% on performance standards score. • Shall be located in "APZ", Agriculture Preserve Zone, "A", Agriculture, "TPZ" Timber Preserve Zone, "RL", Rural Lands, "RR" Rural Residential, or "SR" Suburban Reserve zoning districts. Type 1, 2, 3, and 4 in Planned Development Commercial (PDC) require a major use permit. • Shall not be located within a cannabis cultivation exclusion zone (appendix A). • Shall complete a pre-application conference. • Duration of permit up to ten years. • 6 month permitting processing time.

Minor Use Permit for Legal Non-conforming Article 72 Compliant Cultivation Site

Description

A person who holds a Conditional Certificate of Recognition of Compliance with Article 72 may apply for a legal non-conforming minor use permit for an M – Type 1, A – Type 1, M – Type 1A, A – Type 1A, M – Type 1B, A – Type 1B, M – Type 1C, or A – Type 1C license.

Requirements

The following requirements shall be met:

- a. The applicant shall have a Conditional Certificate of Recognition of Compliance for Article 72.
- b. The permit shall be for the same cultivation site for which the Conditional Certificate of Recognition of Compliance was issued.
- c. The site shall be located within the “A”, Agriculture and “RL”, Rural Lands zoning districts.
- d. A minor use permit application shall be submitted to the Department.
- e. All fees as established by the Board of Supervisors shall be paid at the time of application submittal.
- f. The Zoning Administrator may approve, approve with conditions, or deny the legal non-conforming use permit application as provided for in Article 50.3. of the Zoning Ordinance

General Conditions and/or Restrictions

- a. A person or entity shall not engage in the commercial cultivation of cannabis without first obtaining a Lake County minor use permit, a state cannabis cultivation license, and applicable permits, such as from Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs, as appropriate.
- b. The duration of the permit is for two years from the date of issuance and cannot be extended or renewed.
- c. The legal non-conforming cannabis cultivation site cannot be expanded nor can the number of mature cannabis plants exceed 48 mature or 72 immature cannabis plants.
- d. Annual inspection of the cultivation site is required and the applicant shall pay the fee established by resolution of the Board of Supervisors for that inspection.
- e. A Performance Review Report shall be submitted annually.

Permitting Process



- Pre-Application Conference



- Submit Minor Use Permit Application



- Application Reviewed for Completeness (additional information may be required)



- Application is Complete



- Public Notice (public hearing may be required)

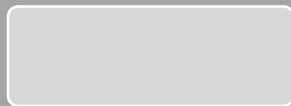


- Zoning Administrator's Action (approve, approve with conditions, or deny)

Once an application is deemed complete, this process may take 30 to 60 days depending if a public hearing is requested.

Application Requirements

For a Minor Use Permit for Legal Non-conforming Article 72 Compliant Cultivation Site, the following shall be provided in the application:



Application for Cannabis Commercial Cultivation Minor Use Permit of Legal Non-conforming Use (Appendix C)



Site Plan (Appendix H)



Notorized Property Owner Consent Form (Appendix F) (If Applicable)



Affidavit (Appendix G)



All required fees paid.

Minor Use Permit for Commercial Cannabis Cultivation

Description

A minor use permit is required for commercial cannabis cultivation operating under a M – Type 1, A – Type 1, M – Type 1A, A – Type 1A, M – Type 1B, A – Type 1B, M – Type 1C, A – Type 1C, M – Type 2, A – Type 2, M – Type 2A, A – Type 2A, M – Type 2B, A – Type 2B, M – Type 4, or A – Type 4 State license.

Requirements

The following requirements shall be met:

- a. The site for which a person interested in applying for a cannabis cultivation use permit shall be enrolled with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs as of March 20, 2018 or written verification from the appropriate board that enrollment is not necessary.
- b. The applicant shall complete a pre-application conference with the Department prior to the submittal of an application for a use permit. Questions regarding a specific application will only be addressed at a pre-application conference. Prior to scheduling pre-application conference, the applicant shall provide the Department a complete application form, required fees, and the required supporting documentation.
- c. The site shall be located within the “APZ”, Agriculture Protection Zone, “A”, Agriculture, “TPZ” Timber Protection Zone, “RL”, Rural Lands, “RR” Rural Residential, or “SR” Suburban Reserve zoning districts.
- d. The site shall not be located within a cannabis cultivation exclusion zone.
- e. A minor use permit application shall be submitted to the Department.
- f. All fees as established by the Board of Supervisors shall be paid at the time of application submittal.
- g. The Zoning Administrator may approve, approve with conditions, or deny the legal non-conforming use permit application as provided for in Article 50.3. of the Zoning Ordinance.
- h. The following findings shall be made prior to the issuance of the minor use permit:
 - (1) That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood, or to the general welfare of the County.
 - (2) That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
 - (3) That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.
 - (4) That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
 - (5) That the project is in conformance with the applicable provisions and policies of the Lake County Code, the General Plan and any approved zoning or land use plan.
 - (6) That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property

which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety, or general welfare basis.

- (7) The proposed use complies with all development standards described in Section 27.13 (at) 5.3.i of Chapter 21 of the Lake County Ordinance Code.
- (8) The applicant is qualified to make the application described in Section 27.13 (at) 3.ii.(e) of Chapter 21 of the Lake County Ordinance Code.
- (9) The application complies with the qualifications for a permit described in Section 27.13 (at) 3.ii.(f) of Chapter 21 of the Lake County Ordinance Code.

General Conditions and/or Restrictions

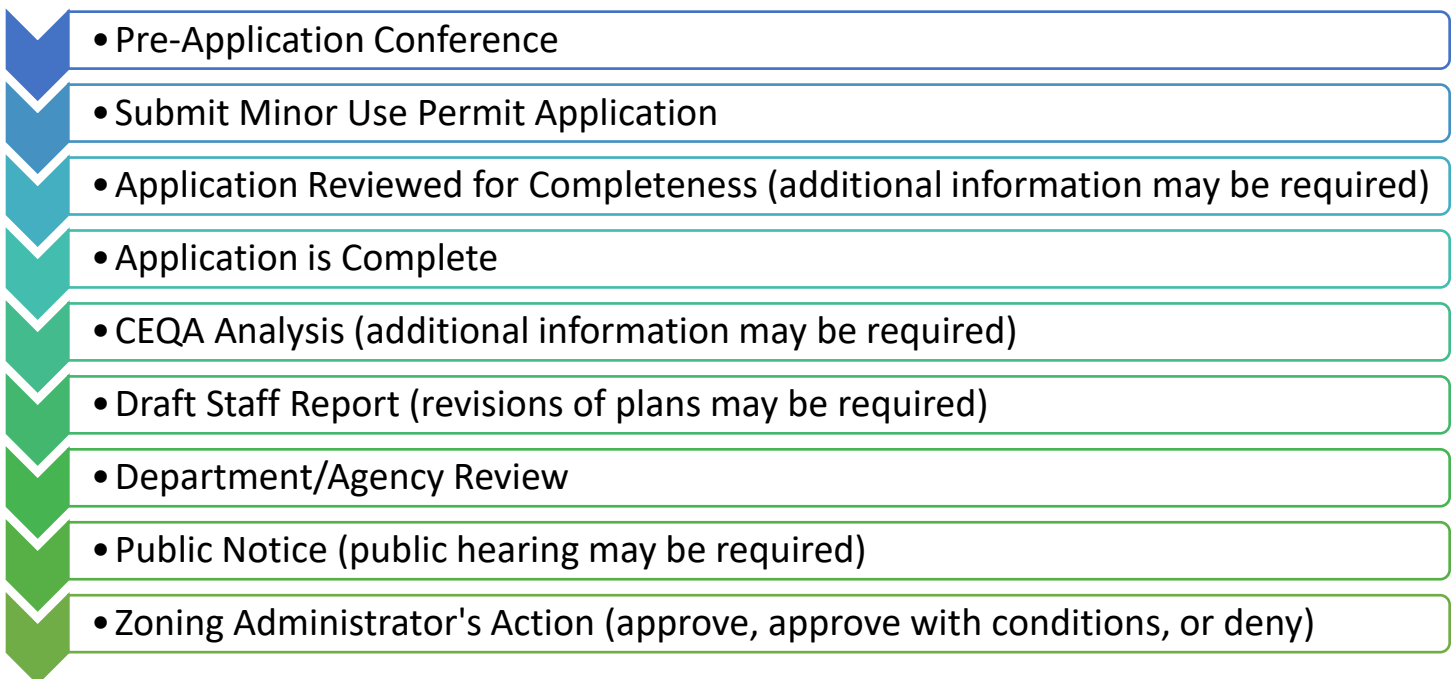
A person or entity shall not engage in the commercial cultivation of cannabis without first obtaining a Lake County minor use permit, a state cannabis cultivation license, and applicable permits, such as from Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs, as appropriate.

The duration of the permit is up to ten (10) years.

Compliance monitoring inspection are required at least once annually.

A Performance Review Report shall be submitted annually before December 31st.

Permitting Process



Once an application is deemed complete, the process should be completed within six months.

Application Requirements

For a Minor Use Permit for commercial cannabis cultivation, the following shall be provided in the application:

Application for Cannabis Commercial Cultivation Minor or Major Use Permit (Appendix D)

Site Plan (Appendix H)

Property Management Plan (Appendix I)

Notarized Property Owner Consent Form (Appendix F) (If Applicable)

Affidavit (Appendix G)

All required fees paid.

Major Use Permit for Commercial Cannabis Cultivation

Description

A major use permit is required for commercial cannabis cultivation operating under a M – Type 3, A – Type 3, M – Type 3A, A – Type 3A, M – Type 3B, or A – Type 3B State license

Requirements

The following requirements shall be met:

- a. The site for which a person interested in applying for a cannabis cultivation use permit shall be enrolled with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs as of March 20, 2018 or written verification from the appropriate board that enrollment is not necessary.
- b. The applicant shall complete a pre-application conference with the Department prior to the submittal of an application for a use permit. Questions regarding a specific application will only be addressed at a pre-application conference. Prior to scheduling pre-application conference, the applicant shall provide the Department a complete application form, required fees, and the required supporting documentation.
- c. The site shall be located within the “APZ”, Agriculture Protection Zone, “A”, Agriculture, “TPZ” Timber Protection Zone, “RL”, Rural Lands, “RR” Rural Residential, or “SR” Suburban Reserve zoning districts. All type 1, 2, 3, and 4 licenses can be permitted in Planned Development Commercial (PDC) with a Major Use Permit.
- d. The site shall not be located within a cannabis cultivation exclusion zone.
- e. A minor use permit application shall be submitted to the Department.
- f. All fees as established by the Board of Supervisors shall be paid at the time of application submittal.

- g. The Planning Commission may approve, approve with conditions, or deny the legal non-conforming use permit application as provided for in Article 50.3. of the Zoning Ordinance.
- h. In addition to the findings required for a minor use permit (Article 50.4 of Chapter 21 of the Lake County Ordinance Code), the following findings shall be made prior to the issuance of the minor use permit:
 - (1) The proposed use complies with all development standards described in Section 27.13 (at) 5.3.i of Chapter 21 of the Lake County Ordinance Code.
 - (2) The applicant is qualified to make the application described in Section 27.13 (at) 3.ii.(e) of Chapter 21 of the Lake County Ordinance Code.
 - (3) The application complies with the qualifications for a permit described in Section 27.13 (at) 3.ii.(f) of Chapter 21 of the Lake County Ordinance Code.

General Conditions and/or Restrictions

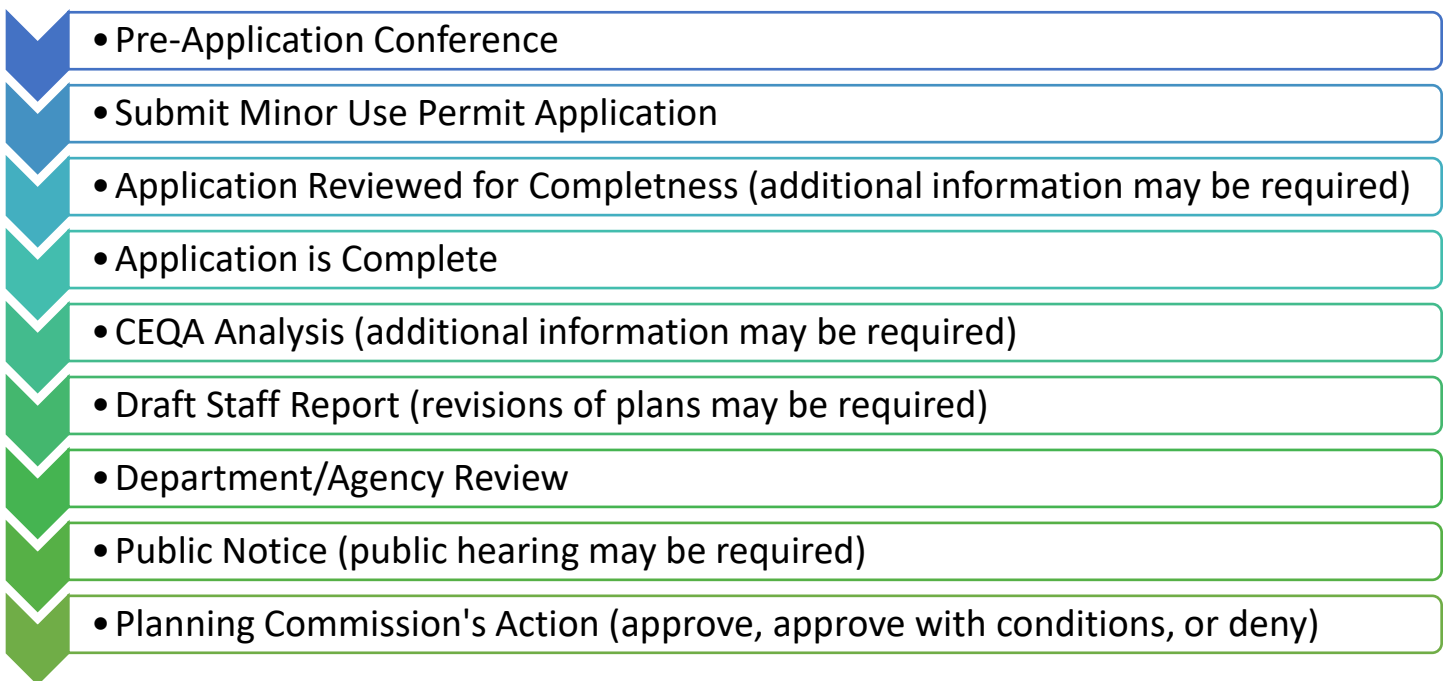
A person or entity shall not engage in the commercial cultivation of cannabis without first obtaining a Lake County minor use permit, a state cannabis cultivation license, and applicable permits, such as from Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs, as appropriate.

The duration of the permit is up to ten (10) years.

Compliance monitoring inspection are required at least annually.

A Performance Review Report shall be submitted annually.

Permitting Process



Once an application is deemed complete, the process should be completed within six months.

Application Requirements

For a Major Use Permit for commercial cannabis cultivation, the following shall be provided in the application:

	Application for Cannabis Commercial Cultivation Minor or Major Use Permit (Appendix D)
	Site Plan (Appendix H)
	Property Mangement Plan (Appendix I)
	Notorized Property Owner Consent Form (Appendix F) (If Applicable)
	Affidavit (Appendix G)
	All required fees paid.

Early Activation of Use of a Commercial Cannabis Cultivation Permit

Description

Prior to the issuance of a minor or major use permit, an applicant may apply for early activation. This allows an applicant to proceed with the cultivation activity that is being requested under the minor or major use permit application within specific limitations.

Requirements

The following requirements shall be met:

- The applicant shall be qualified to receive a permit.
- Evidence of enrollment with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs as of March 20, 2018 or written verification from the appropriate board that enrollment is not necessary
- The applicant shall have a Conditional Certificate of Recognition of Compliance for compliance with Article 72.
- The applicant shall have filed an application for a minor or major use permit application, as appropriate, for the same project whose application has been determined to be complete by the Department.
- All fees as established by the Board of Supervisors shall be paid at the time of application submittal.

Conditions and/or Restrictions

A person or entity shall not engage in the commercial cultivation of cannabis without first applying for a Lake County minor or major use permit that has been found to be complete by the Community Development Department, a state cannabis

cultivation license, and applicable permits, such as from Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs, as appropriate.

The early activation of use permit does not allow any construction, grading, or removal of mature trees on the property.

Adequate measures shall be included in the early activation of use permit application and implemented upon commencement of the use for dust control, parking, traffic safety, drainage, erosion control, waste disposal, and Health Department requirements.

The early activation of use permit shall expire six (6) months from the date of issuance or upon issuance or denial of the required minor or major use permit or resolution of any appeal thereof.

An application for an early activation of use permit for early activation of use may be denied if the use may result in adverse environmental impacts or if the use is currently being operated in violation of Lake County Code.

Application Requirements

For early activation of a minor or major use permit for commercial cannabis cultivation, the following shall be provided in the application:

Application for Early Activation for a Cannabis Commercial Cultivation Minor or Major Use Permit (Appendix D)

All required fees paid.

California Environmental Quality ACT (CEQA)

The California Environmental Quality Act (CEQA), passed in 1970, requires that all discretionary approvals where an agency may approve or deny a permit application which may have direct or reasonably foreseeable indirect change in the environment must undergo an environmental review. It is important to note that CEQA establishes an obligation to avoid or minimize environmental damage. Therefore, if there is a feasible alternative to a project or mitigation measures to lessen the environmental damage, those must be followed.

CalCannabis regulations state:

“(q) Evidence of exemption from, or compliance with, Division 13 (commencing with Section 21000) of the Public Resources Code, California Environmental Quality Act (CEQA). The evidence provided shall be one of the following:

(1) A copy of the applicant’s license, permit, or other authorization from the local jurisdiction, if the local jurisdiction has adopted an ordinance, rule, or regulation pursuant to Section 26055(h) of the Business and Professions Code that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.

(2) A copy of the Notice of Determination or Notice of Exemption and a copy of the CEQA document, or reference to where it can be located electronically, if the applicant does not wish to provide a copy of the license, permit, or other authorization provided by the local jurisdiction or if the local jurisdiction has not adopted an ordinance, rule, or regulation pursuant to Section 26055(h) of the Business and Professions Code that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.

(3) If an applicant does not have the evidence specified in Subsections (1) or (2), or if the local jurisdiction did not prepare a CEQA document, the applicant will be responsible for the preparation of an environmental document in compliance with CEQA that can be approved or certified by the department, unless the department specifies otherwise.”

Pursuant to the County’s responsibility under CEQA, every application will undergo a CEQA review. In a few cases, primarily applications for a minor use permit for a legal non-conforming use, an exemption to the CEQA review may apply. All other applications will require an initial study. In a few rare cases, an environmental impact report may be required. There are nineteen separate areas that are required to be addressed in the CEQA review ranging from aesthetics to hydrology and water quality to utilities and service systems. The application for a major and minor use permit includes a list of topics that will assist in the CEQA review.

Compliance Monitoring

All commercial cannabis cultivation permits will be conditioned requiring an annual inspection during the growing season by the Department. The Department will schedule the inspection during working hours at least 24 hours in advance of the inspection. The permittee shall pay a compliance monitoring fee established by resolution of the Board of Supervisors prior to the inspection.

If there are no violations of the County permit or state license during the first five years, the inspection frequency may be reduced by the Director to not less than once every five years.

Performance Review Report

Introduction

All commercial cannabis cultivation permittees shall submit a Performance Review Report on an annual basis from their initial date of operation for review and approval by the Planning Commission. The Planning Commission may delegate review of the annual Performance Review Report to the Director at the time of the initial hearing or at any time thereafter. This annual Performance Review Report is intended to identify the effectiveness of the approved minor or major use permit, Operations Manual, Operating Standards, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event the Planning Commission identifies problems with specific Performance Review Report that could potentially lead to revocation of the associated minor or major use permit, the Planning Commission may require the submittal of more frequent Performance Review Reports.

A copy of the results from this inspection shall be given to the permittee for inclusion in their Performance Review Report to the Department.

Non-compliance by permittee in allowing the inspection by the Department, or refusal to pay the required fees, or noncompliance in submitting the annual Performance Review Report for review by the Planning Commission shall be deemed grounds for a revocation of the development permit or use permit and subject the holder of the permit(s) to the penalties outlined in Chapter 21 the Lake County Code.

The Performance Review Report shall be provided in PDF format. No hard copies will be accepted.

Outline for Performance Review Report

The Performance Review Report shall follow the following format.

1. Summary of major activities, operational issues, and complaints
2. Administrative changes such as change in ownership or owner's membership, and contact information
3. Status of State cannabis cultivation license and other state permits
4. Summary of cultivation activities
 - a. Size of cannabis canopy
 - b. Air quality: status of odor complaint program, copy of complaints received, and response taken
 - c. Air quality: performance of air pollution control equipment, if applicable.
 - d. Cultural resources: cultural, historical, archaeological, and paleontological resources found and actions taken
 - e. Energy usage: results of monitoring program as described in the Property Management Plan
 - f. Fertilizer usage: spills that occurred and actions taken
 - g. Fish and wildlife protection: Status of habitats described in the Property Management Plan
 - h. Operations manual: number of staff screened and changes to the screening process of staff
 - i. Operations manual: actual operating hours
 - j. Operations manual: description of activities to reduce the carbon footprint and results

- k. Operations manual: description of chemical stored and/or used on the property
 - l. Operations manual: date, location, duration, and amount of effluent discharges from the property
 - m. Operations manual: ground maintenance activities
 - n. Pest management: spills that occurred and actions taken
 - o. Security: sign in/sign out documentation
 - p. Security: status of emergency contact program, copy of emergency contacts made, and actions taken
 - q. Security: down times for video surveillance system
 - r. Storm water management: status of best management practices as described in the Property management plan
 - s. Storm water management: results of the monitoring program described in the Property Management Plan
 - t. Waste management: amount of solid waste generated in the following categories: paper, glass, metal, electronics, plastic, organics, inerts, household hazardous waste, special waste, and mixed residue
 - u. Waste management: description of any biological hazards, including microbiological hazards; chemical hazards, including radiological hazards, pesticide(s) contamination, solvent or other residue, natural toxins, decomposition, unapproved additives, or food allergens; and/or physical hazards, such as stone, glass, metal fragments, hair or insects
 - v. Waste management: the amount of hazardous materials and waste that is generated on the site, the amount that is recycled, and the amount and where hazardous materials and waste is disposed of
 - w. Waste management: the amount of cannabis vegetative waste that is generated on the site, the amount that is recycled, and the amount and where cannabis vegetative waste is disposed of
 - x. Waste management: the amount of growing medium waste that is generated on the site, the amount that is recycled, and the amount and where growing medium waste is disposed of
 - y. Water resources: the results of the monitoring program described in the Property Management Plan
 - z. Water Use: Where a well is used, the amount of water pumped and water levels measured as described in the Property Management Plan
 - aa. Water use: if water is obtained from another source, the amount of used
 - bb. Water use: efficiency of irrigation system
- 5. Compliance monitoring results
 - 6. Proposed revisions to Property Management Plan

Renewals

An application for renewal shall be submitted to the Department at least 180 days prior to the expiration of the permit. Failure to submit an application for renewal by that date may result in the expiration of the permit.

Applicants shall complete an application form as prescribed by the Department and pay all fees as established by resolution by the Board of Supervisors.

The following documentation in electronic format is required for application for renewal:

- a. A copy of all licenses, permits, and conditions of such licenses or permits related to the project from state agencies as appropriate including, but not limited to the California Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, and Department of Public Health.
- b. A copy of all reports provided to the County and State agencies as determined by the Department.
- c. A list of all employees on the premise during the past year and a copy of the background checks certification for each.
- d. Documentation that the applicant is still qualified to be an applicant.
- e. Any proposed changes to the use permit or how the site will be operated.
- f. Payment of all fees as established by resolution by the Board of Supervisors.

The permit may be renewed if:

- a. Where there are no changes to the use permit or how the site will be operated:
 - (1) The original permit's approval findings, conditions, or environmental certification are still valid.
 - (2) There are no violations of the permit conditions or of state licenses or permits.
 - (3) The applicant is qualified to apply for such a permit.
- b. Where there are changes to the development or use permit or how the site will be operated:
 - (1) Such changes do not change the findings of the original permit's approval findings, conditions, or environmental certification.
 - (2) There are no violations of the permit conditions or of state licenses or permits.
 - (3) The applicant is qualified to apply for such a permit.

Minor Modification of a Permit

Minor modifications of a minor or major use permit may be approved by the Planning Commission after a public hearing. Modifications of a permit is based on the same permit requirements and notice as the original application. The Department shall determine whether proposed project changes qualify for a minor modification or requires a new use permit. An application for a minor modification of a use permit shall be submitted along with all fees as established by the Board of Supervisors.

Enforcement

A violation of any provision of Lake County Zoning Ordinance or any condition of a major use permits or minor use permits is subject to the enforcement and penalties provisions of Article 61.2 Authorization of Responsibilities, Article 61.3 Arrest and Citation Powers, and 61.4 Penalties of Chapter 21 of the Lake County Ordinance Code.

The use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this subsection; any condition dangerous to human life, unsafe, or detrimental to the public health or safety; and the existence of loud or unusual noises which are not already regulated through an approved use permit, or foul or noxious odors, not already regulated by the Lake County Air Quality Management District, which offend the peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable enjoyment of life or property and affect the entire neighborhood or any considerable number of persons are declared to be a nuisance subject to the enforcement procedures of Chapter 13 of the Lake County Ordinance Code.

Persons involved in unfair, dishonest, deceptive, destructive, fraudulent and discriminatory practices by which fair and honest competition is destroyed or prevented are subject to enforcement procedures of the California Unfair Practices Act (Business and Profession Code, Division 7. General Business Regulations, Part 2 Preservation and Regulation of Competition, Chapter 4. Unfair Trade Practices).

A Minor Use Permit or Major Use Permit may be revoked under the procedures set forth in section 21-60.10 Revocation of Permits of the Lake County Code of Ordinances.

Revocation

The Planning Commission or Board of Supervisors may revoke or modify any minor or major use permit on any one or more of the following grounds:

- (1) That such permit was obtained by fraud.
- (2) That one or more of the terms or conditions upon which such permit was granted has been violated.
- (3) That the use for which the permit was granted is so conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance.

A hearing to revoke a permit may be initiated by order of the Planning Commission or the Board of Supervisors on its own motion, or on request of the Community Development Director. The order shall set forth the grounds for revocation.

A public hearing shall be held by the Planning Commission. No less than ten (10) days prior to the date of any hearing before the Planning Commission, the Secretary of the Planning Commission shall:

- (a) Give notice of the public hearing in the manner provided by Zoning Ordinance (Article 57).
- (b) Serve a written notice of the time and place of such hearing and a copy of the order upon the owner and upon the person in possession of the premises involved.
- (c) Cause a notice of the time and place of hearing and copy of the order to be sent to such public offices, departments of agencies who, in the opinion of the Secretary of the Planning Commission, might be interested and request a report thereon.

After the hearing the Planning Commission shall render its decision and may revoke or modify the permit. Any person dissatisfied with the decision may appeal to the Board of Supervisors within seven (7) calendar days after the decision.

Appendix A. Commercial Cannabis Cultivation Exclusion Areas

Commercial Cannabis Cultivation Exclusion Areas

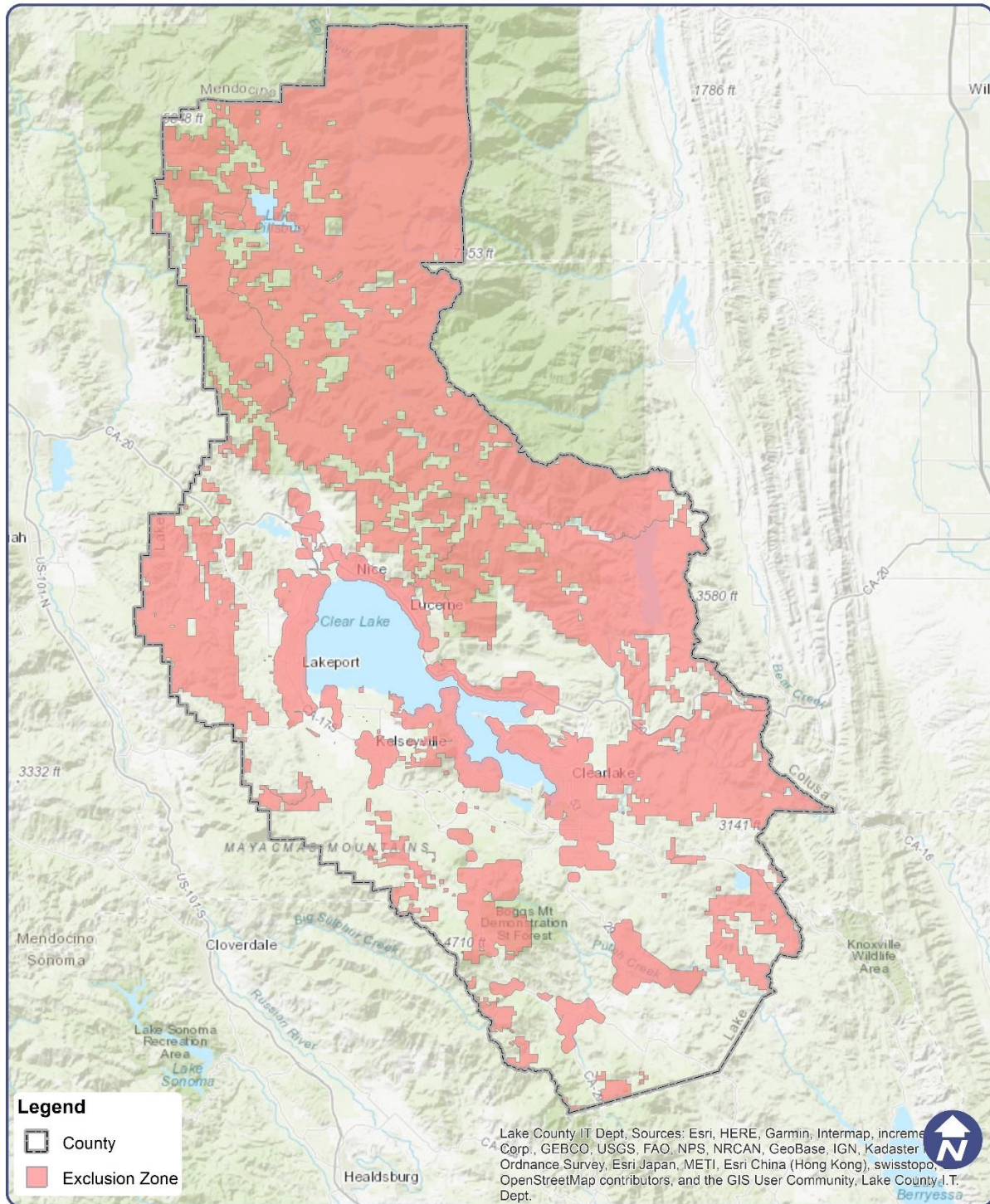
Commercial cannabis cultivation is prohibited in the following areas:

- a. Within any of the following that is in existence at the time the permit is issued:
 - (1) Community Growth Boundary as described in the Lake County General Plan,
 - (2) SOS combining district,
 - (3) Public lands,
 - (4) A water service sphere of influence,
 - (5) An incorporated city sphere of influence,
 - (6) Any public or private school, grades 1 through 12,
 - (7) A developed public park containing playground equipment,
 - (8) A drug or alcohol rehabilitation facility, or
 - (9) A licensed child care facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.
- b. Within 1,000 feet of the following that is in existence at the time the permit is issued:
 - (1) Any public or private school, grades 1 through 12,
 - (2) A developed public park containing playground equipment,
 - (3) A drug or alcohol rehabilitation facility, or
 - (4) A licensed child care or daycare facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.
 - (5) A Community Growth Boundary as described in the Lake County General Plan,
 - (6) A water service sphere of influence,
 - (7) Federal Indian Trust Lands,
 - (8) Incorporated city sphere of influence

The distance specified in this section shall be the horizontal distance measured in a straight line from a Community Growth Boundary, a water service or incorporated city sphere of influence, or the boundary of a Federal Indian Trust Lands to the boundaries of the parcel were the commercial cannabis cultivation site is located.

- c. Within areas designated as prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance as depicted on Lake County Important Farmland 2014 prepared by the State of California Department of Conservation Farmland Mapping and Monitoring Program commercial cannabis cultivation shall be limited to indoor, mixed light, and greenhouses that are equipped with filtrations systems that prevents the movement of odors, pesticides, and other air borne contaminates out of or into the structure. The permitting authority may allow outdoor cultivation outside a greenhouse if the prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance are isolated areas that are not connected to a large system of such lands.

NOTE: This map is a general location of exclusion areas. It does not include public or private schools grade K through 12, public parks with playground equipment, drug and alcohol rehabilitation facilities, or licensed child care facility, day care, church or youth-oriented facility catering to or providing services primarily intended for minors.



Lake County, CA

Commercial Cannabis Cultivation Exclusion Zone

(additional restrictions and setbacks may exist)

All parcel boundaries are approximate. Discrepancies in acreage, shape and location are common. This map is not the legal survey document to be used in single site determinations. Consult your deed for a legal parcel description.

Feet
0 47,000 94,000

Print Date: 3/22/2018

Appendix B. Pre-application Conference for Commercial Cannabis Cultivation Application Form



COUNTY OF LAKE
Community Development Department
PLANNING DIVISION
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Phone (707) 263-2221 FAX (707) 263-2225

Planning Division Application
Commercial Cannabis Cultivation Pre-application Conference
(Please type or print)

Project name: _____
Assessors Parcel # : _____ - _____ - _____
_____ - _____ - _____

INITIAL FEES:

PRE APP	\$190.00
Sub Total:	\$190.00
Technology recovery 2% Cost	\$3.80
General Plan Maintenance Fee	\$50.00
Total:	\$243.80

Zoning: _____
General Plan: _____
Receipt # _____
Initial: _____

APPLICANT:

NAME: _____
MAILING ADDRESS: _____
CITY: _____
STATE: _____ **ZIP:** _____
PRIMARY PHONE: () _____
SECONDARY PHONE: () _____
EMAIL: _____

PROPERTY OWNER (IF NOT APPLICANT):

NAME: _____
MAILING ADDRESS: _____
CITY: _____
STATE: _____ **ZIP:** _____
PRIMARY PHONE: () _____
SECONDARY PHONE: () _____
EMAIL: _____

PROJECT LOCATION

ADDRESS: _____

PRESENT USE OF LAND:

SURROUNDING LAND USES:

North: _____
South: _____
East: _____
West: _____

PARCEL SIZE(S):

Existing: _____
Proposed: _____

Existing/Proposed Water Supply: _____
Existing/Proposed Sewage Disposal: _____
Fire Protection District: _____
School District: _____

DESCRIPTION OF PROJECT:

At-Cost Project Reimbursement

I, _____, the undersigned, hereby authorize the County of Lake to process the above referenced permit request in accordance with the County of Lake Code. I am paying an initial fee of \$_____ as an estimated cost for County staff review, coordination and processing costs related to my permit (Resolution No. 2017-19. February 7, 2017). **In making this initial fee, I acknowledge and understand that the initial fee may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Reimbursement Agreement:

1. Time spent by County of Lake staff in processing my application and any direct costs will be billed against the available initial fee. **"Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, processing of any appeals, responding to public records act requests or responding to any legal challenges related to the application. "Staff" includes any employee of the Community Development Department.**
2. If processing costs exceed the available initial fee, I will receive invoices payable within 30 days of billing.
3. As the owner of the project location, I have the authority to authorize and I hereby do authorize the County of Lake or authorized representative(s) to make inspections at any reasonable time as deemed necessary for the purpose of review and processing this application.
4. If I fail to pay any invoices within 30 days, the County will stop processing my permit application. All invoices must be paid in full prior to issuance of the applied for permit.
5. If the County determines that any study submitted by the applicant requires a County-contracted consultant peer review, I will pay the actual cost of the consultant review. This cost may vary depending on the complexity of the analysis. Selection of any consultant for a peer review shall be at the sole discretion of the Community Development Director or his designee.

6. I agree to pay the actual cost of any public notices for the project as required by State Law and the Lake County Zoning Ordinance.
7. I may, in writing, request a further breakdown or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.
8. I agree to pay all costs related to permit condition compliance as specified in any conditions of approval for my permit/entitlement including compliance monitoring.
9. I agree not to alter the physical condition of the property during the processing of this application by removing trees, demolishing structures, altering streams, and/or grading or filling. I understand that such alteration of the property may result in the imposition of criminal, civil or administrative fines or penalties, or delay or denial of the project.
10. Applicant shall defend, indemnify and hold harmless the County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, including any claim for private attorney general fees claimed by or awarded to any party against the County, and shall also include the County's costs incurred in preparing the administrative record which are not paid by the petitioner. The County shall promptly notify the applicant of any claim, action or proceeding. Notwithstanding the foregoing, the County shall control the defense of any such claim, action or proceeding unless the settlement is approved by the applicant and that the applicant may act in its own stead as the real party in interest in any such claim, action or proceeding.
11. I have checked the current Hazardous Waste and Substances Sites List pursuant to Government Code Section 65962.5(f). www.envirostor.dtsc.ca.gov/public/ The proposed project site **is** ☐ or **is not** ☐ included on the most recent list.
12. I understand that pursuant to State Fish and Games Code Section 711.4, a filing fee is required for all projects processed with a Negative Declaration or Environmental Impact Report unless it has been determined by the California Department of Fish (CDFW) that the project will have no effect on fish and wildlife. The fees are collected by the County Community Development Department, Planning and Environmental review Division (PER) for

payment to the State. I understand that I will be notified of the fee amount upon release of the environmental document for the project.

13. I hereby agree that any drainage studies and/or drainage models that are provided to the County as part of the technical studies for this entitlement process will be provided with a license or other satisfactory release allowing the County to duplicate, distribute, and/or publish the studies and models to the general public without restriction. I understand that failure to provide such license or release to the satisfaction of the County may result in comment that the study and or model is inadequate to support the entitlement request.

The signature(s) below signifies legal authority and consent to file an application in accordance with the information above. The signature also signifies that the submitted information and accompanying documents are true and accurate, and that the items initialed above have been read and agreed to.

Note: This agreement does not include other agency review fees or the County Clerk Environmental Document filing fees.

**APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE(S) OF LEGAL PROPERTY OWNERSHIP
OR OFFICIAL AGENT/AUTHORITY TO FILE (circle one)**

Ownership

Contract to Purchase*

Letter of Authorization*

Power of Attorney*

**Must Attach Evidence*

Name of Property Owner or Corporate Principal Responsible or Appointed Designee for Payment of all At-Cost Project Reimbursement Fees:

(Please Print)

Name of Company or Corporation (if applicable):

(Please Print)

Mailing Address of the Property Owner or Corporation/Company responsible for paying processing fees:

(If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation)

Name:* _____

Date: _____

Email address: _____

Phone Number: _____

Signature of Owners/Agent* Name

Date

Signature of Applicant

Date

Commercial Cannabis Cultivation Pre-application Conference Requirements

1. Applications must be submitted and deemed complete at least two weeks prior to the pre-application conference.
2. Two pre-application conferences will be held each day after 3:30 PM in the Community Development Department.
3. Reservations are required and shall be made on a first come first served basis, after the application is deemed complete.
4. The following information shall be attached to this application:
 - a. A map showing the lot of record showing where the cultivation site is located and the Assessor's Parcel Number (APN) for the lot of record.
 - b. Sketch of the proposed cultivation site including the location of the canopy area, full cultivation site, access, existing structures on the lot of record, any water bodies and/or water courses.
 - c. A statement as to which State license the applicant intends to submit an application.
 - d. Responses to the following performance standards questions:
 - i. Has the applicant applied to the CalCannabis Cultivation Licensing Division for a cultivation license if the application relates to an existing site? ___Yes ___No
 - ii. Is the cultivation site located outside a floodplain? ___Yes ___No
 - iii. Do all aspects of the project not require a grading permit? ___Yes ___No
 - iv. Does the applicant have a legal, on-site source of water? ___Yes ___No
 - v. Does the applicant agree to monitor water use and share the data with the County? ___Yes ___No
 - vi. Does the applicant agree to make water source available to CALFIRE for firefighting? ___Yes ___No
 - vii. Has the applicant conducted a cultural/archeological survey of the property? ___Yes ___No
 - viii. Does the applicant agree to monitor energy use and share the data with the County? ___Yes ___No
 - ix. Does the applicant agree to monitor vegetative waste generation and share the data with the County? ___Yes ___No

- x. Does the applicant agree to monitor solid waste generation and share the data with the County? ___Yes ___No
- xi. Does the applicant agree to monitor water quality of storm water runoff and share the data with the County? ___Yes ___No
- e. Any questions that the applicant may have regarding the County's commercial cannabis cultivation permitting process or what is required for the submittal.

Planning staff will provide you with written comments concerning matters related to land use, zoning, permit process and fees.

You should be prepared to take detailed notes during the meeting, as staff does not take meeting minutes.

Appendix C. Minor Use Permit for Legal Non-conforming Use for Commercial Cannabis Cultivation Application Form



**COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Phone (707) 263-2221 FAX (707) 263-2225

**Planning Division Application
Commercial Cannabis Cultivation Minor Use Permit for Legal
Non-Conforming Article 72 Compliant Cultivation**

(Please type or print)

Project name: _____

Assessors Parcel # : _____ - _____ - _____

_____ - _____ - _____

INITIAL FEES:

Sub Total:

Technology recovery 2% Cost

General Plan Maintenance
Fee

\$50.00

Total:

Zoning: _____

General Plan: _____

Receipt # _____

Initial: _____

APPLICANT:

NAME: _____

MAILING ADDRESS: _____

CITY: _____

STATE: _____ **ZIP:** _____

PRIMARY PHONE: () _____

SECONDARY PHONE: () _____

EMAIL: _____

PROPERTY OWNER (IF NOT APPLICANT):

NAME: _____

MAILING ADDRESS: _____

CITY: _____

STATE: _____ **ZIP:** _____

PRIMARY PHONE: () _____

SECONDARY PHONE: () _____

EMAIL: _____

PROJECT LOCATION

ADDRESS: _____

PRESENT USE OF LAND:

SURROUNDING LAND USES:

North: _____

South: _____

East: _____

West: _____

PARCEL SIZE(S):

Existing: _____

Proposed: _____

Existing/Proposed Water Supply: _____

Existing/Proposed Sewage Disposal: _____

Fire Protection District: _____

School District: _____

DESCRIPTION OF PROJECT:

At-Cost Project Reimbursement

I, _____, the undersigned, hereby authorize the County of Lake to process the above referenced permit request in accordance with the County of Lake Code. I am paying an initial fee of \$_____ as an estimated cost for County staff review, coordination and processing costs related to my permit (Resolution No. 2017-19. February 7, 2017). **In making this initial fee, I acknowledge and understand that the initial fee may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Reimbursement Agreement:

1. Time spent by County of Lake staff in processing my application and any direct costs will be billed against the available initial fee. **"Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, processing of any appeals, responding to public records act requests or responding to any legal challenges related to the application. "Staff" includes any employee of the Community Development Department.**
2. If processing costs exceed the available initial fee, I will receive invoices payable within 30 days of billing.
3. As the owner of the project location, I have the authority to authorize and I hereby do authorize the County of Lake or authorized representative(s) to make inspections at any reasonable time as deemed necessary for the purpose of review and processing this application.
4. If I fail to pay any invoices within 30 days, the County will stop processing my permit application. All invoices must be paid in full prior to issuance of the applied for permit.
5. If the County determines that any study submitted by the applicant requires a County-contracted consultant peer review, I will pay the actual cost of the consultant review. This cost may vary depending on the complexity of the analysis. Selection of any consultant for a peer review shall be at the sole discretion of the Community Development Director or his designee.

6. I agree to pay the actual cost of any public notices for the project as required by State Law and the Lake County Zoning Ordinance.
7. I may, in writing, request a further breakdown or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.
8. I agree to pay all costs related to permit condition compliance as specified in any conditions of approval for my permit/entitlement including compliance monitoring.
9. I agree not to alter the physical condition of the property during the processing of this application by removing trees, demolishing structures, altering streams, and/or grading or filling. I understand that such alteration of the property may result in the imposition of criminal, civil or administrative fines or penalties, or delay or denial of the project.
10. Applicant shall defend, indemnify and hold harmless the County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, including any claim for private attorney general fees claimed by or awarded to any party against the County, and shall also include the County's costs incurred in preparing the administrative record which are not paid by the petitioner. The County shall promptly notify the applicant of any claim, action or proceeding. Notwithstanding the foregoing, the County shall control the defense of any such claim, action or proceeding unless the settlement is approved by the applicant and that the applicant may act in its own stead as the real party in interest in any such claim, action or proceeding.
11. I have checked the current Hazardous Waste and Substances Sites List pursuant to Government Code Section 65962.5(f). www.envirostor.dtsc.ca.gov/public/ The proposed project site **is** ☐ or **is not** ☐ included on the most recent list.
12. I understand that pursuant to State Fish and Games Code Section 711.4, a filing fee is required for all projects processed with a Negative Declaration or Environmental Impact Report unless it has been determined by the California Department of Fish (CDFW) that the project will have no effect on fish and wildlife. The fees are collected by the County Community Development Department, Planning and Environmental review Division (PER) for

payment to the State. I understand that I will be notified of the fee amount upon release of the environmental document for the project.

13. I hereby agree that any drainage studies and/or drainage models that are provided to the County as part of the technical studies for this entitlement process will be provided with a license or other satisfactory release allowing the County to duplicate, distribute, and/or publish the studies and models to the general public without restriction. I understand that failure to provide such license or release to the satisfaction of the County may result in comment that the study and or model is inadequate to support the entitlement request.

The signature(s) below signifies legal authority and consent to file an application in accordance with the information above. The signature also signifies that the submitted information and accompanying documents are true and accurate, and that the items initialed above have been read and agreed to.

Note: This agreement does not include other agency review fees or the County Clerk Environmental Document filing fees.

**APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE(S) OF LEGAL PROPERTY OWNERSHIP
OR OFFICIAL AGENT/AUTHORITY TO FILE (circle one)**

Ownership

Contract to Purchase*

Letter of Authorization*

Power of Attorney*

**Must Attach Evidence*

Name of Property Owner or Corporate Principal Responsible or Appointed Designee for Payment of all At-Cost Project Reimbursement Fees:

(Please Print)

Name of Company or Corporation (if applicable):

(Please Print)

Mailing Address of the Property Owner or Corporation/Company responsible for paying processing fees:

(If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation)

Name: _____

Date: _____

Email address: _____

Phone Number: _____

Signature of Owners/Agent* Name

Date

Signature of Applicant

Date

Supplemental Data for Cannabis Cultivation

The legal business name of the applicant entity: _____

The license type, pursuant to the California Department of Food and Agriculture cannabis cultivation program regulations, for which the applicant is applying and whether the application is for an M-license or A-license:

A list of all the types, including the license numbers of valid licenses, from the department and other cannabis licensing authorities that the applicant already holds: _____

DESIGNATED RESPONSIBLE PARTY

The designated responsible party, who shall also be an owner, with legal authority to bind the applicant entity, and the primary contact for the application.

Full legal name: _____

Title: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Primary contact phone number: (____) _____ - _____

Email address: _____ + _____

A copy of the Designated Responsible Party's government-issued identification shall be attached. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government, including, but not limited to, a driver's license or passport, that contains the name, date of birth, physical description, and picture of the individual.

AGENT

If an individual or entity is serving as agent for service of process for the applicant, the following information shall be provided:

Full legal name: _____

Title: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Primary contact phone number: (____) _____ - _____

Email address: _____ + _____

Owner

A complete list of every owner of the applicant entity. "Owner" means any of the following:

- (1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- (2) The chief executive officer of a nonprofit or other entity.
- (3) A member of the board of directors of a nonprofit.
- (4) An individual who will be participating in the direction, control, or management of the person applying for a license.

Each individual owner named shall submit the following information:

Full legal name: _____

Title: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Primary contact phone number: (____) _____ - _____

Email address: _____ + _____

Date ownership interest in the applicant entity was acquired: _____

Percentage of the ownership interest held in the applicant entity by the owner: _____

A list of all the valid licenses, including license type(s) and license number(s), from the department and other cannabis licensing authorities that the owner is listed as either an owner or financial interest holder:

A copy of the owner's government-issued identification shall be attached. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government, including, but not limited to, a driver's license or passport, that contains the name, date of birth, physical description, and picture of the individual.

For applicants that are a cannabis cooperative as defined by Division 10, Chapter 22 (commencing with section 26220) of the Business and Professions Code, provide identification of all members.

Attach evidence that the applicant entity has the legal right to occupy and use the proposed location.

Appendix D. Minor or Major Use Permit for Commercial Cannabis Cultivation Application Form



**COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Phone (707) 263-2221 FAX (707) 263-2225

**Planning Division Application
Commercial Cannabis Cultivation Major and Minor Use Permit**
(Please type or print)

Project name: _____

Assessors Parcel # : _____ - _____ - _____

_____ - _____ - _____

APPLICANT:

NAME: _____

MAILING ADDRESS: _____

CITY: _____

STATE: _____ **ZIP:** _____

PRIMARY PHONE: () _____

SECONDARY PHONE: () _____

EMAIL: _____

PROPERTY OWNER (IF NOT APPLICANT):

NAME: _____

MAILING ADDRESS: _____

CITY: _____

STATE: _____ **ZIP:** _____

PRIMARY PHONE: () _____

SECONDARY PHONE: () _____

EMAIL: _____

PROJECT LOCATION

ADDRESS: _____

PRESENT USE OF LAND:

SURROUNDING LAND USES:

North: _____

South: _____

East: _____

West: _____

PARCEL SIZE(S):

Existing: _____

Proposed: _____

Existing/Proposed Water Supply: _____

Existing/Proposed Sewage Disposal: _____

Fire Protection District: _____

School District: _____

INITIAL FEES:

Sub Total:

Technology recovery 2% Cost

General Plan Maintenance
Fee

\$50.00

Total:

Zoning: _____

General Plan: _____

Receipt # _____

Initial: _____

At-Cost Project Reimbursement

I, _____, the undersigned, hereby authorize the County of Lake to process the above referenced permit request in accordance with the County of Lake Code. I am paying an initial fee of \$_____ as an estimated cost for County staff review, coordination and processing costs related to my permit (Resolution No. 2017-19. February 7, 2017). **In making this initial fee, I acknowledge and understand that the initial fee may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Reimbursement Agreement:

1. Time spent by County of Lake staff in processing my application and any direct costs will be billed against the available initial fee. **"Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, processing of any appeals, responding to public records act requests or responding to any legal challenges related to the application. "Staff" includes any employee of the Community Development Department.**
2. If processing costs exceed the available initial fee, I will receive invoices payable within 30 days of billing.
3. As the owner of the project location, I have the authority to authorize and I hereby do authorize the County of Lake or authorized representative(s) to make inspections at any reasonable time as deemed necessary for the purpose of review and processing this application.
4. If I fail to pay any invoices within 30 days, the County will stop processing my permit application. All invoices must be paid in full prior to issuance of the applied for permit.
5. If the County determines that any study submitted by the applicant requires a County-contracted consultant peer review, I will pay the actual cost of the consultant review. This cost may vary depending on the complexity of the analysis. Selection of any consultant for a peer review shall be at the sole discretion of the Community Development Director or his designee.

6. I agree to pay the actual cost of any public notices for the project as required by State Law and the Lake County Zoning Ordinance.
7. I may, in writing, request a further breakdown or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.
8. I agree to pay all costs related to permit condition compliance as specified in any conditions of approval for my permit/entitlement including compliance monitoring.
9. I agree not to alter the physical condition of the property during the processing of this application by removing trees, demolishing structures, altering streams, and/or grading or filling. I understand that such alteration of the property may result in the imposition of criminal, civil or administrative fines or penalties, or delay or denial of the project.
10. Applicant shall defend, indemnify and hold harmless the County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, including any claim for private attorney general fees claimed by or awarded to any party against the County, and shall also include the County's costs incurred in preparing the administrative record which are not paid by the petitioner. The County shall promptly notify the applicant of any claim, action or proceeding. Notwithstanding the foregoing, the County shall control the defense of any such claim, action or proceeding unless the settlement is approved by the applicant and that the applicant may act in its own stead as the real party in interest in any such claim, action or proceeding.
11. I have checked the current Hazardous Waste and Substances Sites List pursuant to Government Code Section 65962.5(f). www.envirostor.dtsc.ca.gov/public/ The proposed project site **is** ☐ or **is not** ☐ included on the most recent list.
12. I understand that pursuant to State Fish and Games Code Section 711.4, a filing fee is required for all projects processed with a Negative Declaration or Environmental Impact Report unless it has been determined by the California Department of Fish (CDFW) that the project will have no effect on fish and wildlife. The fees are collected by the County Community Development Department, Planning and Environmental review Division (PER) for

payment to the State. I understand that I will be notified of the fee amount upon release of the environmental document for the project.

13. I hereby agree that any drainage studies and/or drainage models that are provided to the County as part of the technical studies for this entitlement process will be provided with a license or other satisfactory release allowing the County to duplicate, distribute, and/or publish the studies and models to the general public without restriction. I understand that failure to provide such license or release to the satisfaction of the County may result in comment that the study and or model is inadequate to support the entitlement request.

The signature(s) below signifies legal authority and consent to file an application in accordance with the information above. The signature also signifies that the submitted information and accompanying documents are true and accurate, and that the items initialed above have been read and agreed to.

Note: This agreement does not include other agency review fees or the County Clerk Environmental Document filing fees.

**APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE(S) OF LEGAL PROPERTY OWNERSHIP
OR OFFICIAL AGENT/AUTHORITY TO FILE (circle one)**

Ownership

Contract to Purchase*

Letter of Authorization*

Power of Attorney*

**Must Attach Evidence*

Name of Property Owner or Corporate Principal Responsible or Appointed Designee for Payment of all At-Cost Project Reimbursement Fees:

(Please Print)

Name of Company or Corporation (if applicable):

(Please Print)

Mailing Address of the Property Owner or Corporation/Company responsible for paying processing fees:

(If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation)

Name:* _____

Date: _____

Email address: _____

Phone Number: _____

Signature of Owners/Agent* Name

Date

Signature of Applicant

Date

Supplemental Data for Initial Study

The following supplemental information is required for all applications requiring environmental review in accordance with the California Environmental Quality Act (CEQA). Please answer the following questions as thoroughly as possible. If questions do not apply to your project, indicate by writing "N/A" or check "no". Use separate sheets of paper if necessary. **IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE LAKE COUNTY PLANNING DIVISION.**

Description of objective of project and its operational characteristics:

Type of Business: _____

Product or service provided: _____

Hours of operation: _____ Days of operation: _____

Number of shifts (normal): _____ Number of shifts (peak): _____

Employees per shift (normal): _____ Employees per shift (peak): _____

Number of deliveries per day: _____ Number of customer per day: _____

Number of pick-ups per day: _____ Lot size: _____

Number and type of company Vehicles: _____ Type of loading facilities: _____

Floor area of existing structures: _____ Proposed building floor area: _____

Number of existing parking spaces: _____ Number of proposed parking spaces: _____

Number of floors: _____

Additional relevant information: _____

Supplemental Data for Initial Study (Continued)

Description of site prep/construction activities

When do you anticipate starting construction?

How long will construction take?

What days/times will construction occur?

What type of construction equipment will be used?

How many truck/vehicle trips will be necessary for construction?

Will equipment be idling during construction?

Where will construction equipment be staged/stored?

Will any trees or vegetation be removed? If yes, please provide type and amounts.

Supplemental Data for Initial Study (Continued)

How much grading is anticipated to occur and where?

Will soil be imported or exported to/from the site? If so from where and what amount?

Is trenching required? If yes, please provide location, dimensions and cubic yards.

How much water will be used for construction, operation and maintenance? What is the water source?

Other questions and information needed for the Initial Study

Describe how scenic views or vistas are impacted by the cultivation site.

What lighting is proposed for the project? Will areas be lit at night?

Are there any existing agricultural uses on-site besides cannabis? Will they be removed?

Supplemental Data for Initial Study (Continued)

Will this project result in the loss of forest land? If so, describe how many acres and what type of trees.

How will dust, ash, smoke, fumes or odors generated by the cultivation site be managed?

Are there any water features (drainages, streams, creeks, lakes, rivers, vernal pools, wetlands, etc.) on-site or immediately adjacent to the project? If yes, will any work take place in or near them?

Will there be a loss of any wetland or streamside vegetation? If yes, describe where, total area, and type of vegetation lost.

Describe and site or buildings have any archaeological or historical significance.

What are the slopes on the cultivation site?

Supplemental Data for Initial Study (Continued)

Describe the soils found at the site and their potential for landslides, erosion, lateral spreading, subsidence, liquefaction, or collapse.

Describe methods to be taken to reduce greenhouse gases.

Will solid waste be produced? If yes, how will it be disposed of?

Will hazardous waste be produced? If yes, how will it be disposed of?

How will vegetative waste be managed?

How will growth medium waste be managed?

Will any material be taken to a landfill? If yes, which one and how much material is anticipated?

Supplemental Data for Initial Study (Continued)

Describe risk of an explosion or release of hazardous substances in case of an accident.

Do portions of the cultivation site periodically flood?

Describe the existing drainage patterns on the site and how they may be alternated and to what degree as a result of this project.

What Best Management Practices (BMPs) or measures will be implemented in order to prevent erosion and impacts to water quality?

Is wastewater treatment required for the project? If yes, what is the source?

Describe how this project is consistent with the County's General Plan and Zoning Ordinance.

Describe the level and frequency of noise or vibration that will be generated from this project.

Supplemental Data for Initial Study (Continued)

Describe what measures have been taken to maintain or improve level of service for the appropriate fire district and Cal Fire.

How is the site accessed?

Describe the amount of traffic the project will generate.

Are there any road improvements that would be required? If yes, please provide specs (type of materials and dimensions).

Describe if this project will result increased traffic hazards to motor vehicles, bicyclists, or pedestrians?

Are greenhouses or other accessory structures proposed? If yes, what are the dimensions of the structures and materials/colors they will be constructed out of?

What sources of energy will be used?

Supplemental Data for Cannabis Cultivation

The legal business name of the applicant entity: _____

The license type, pursuant to the California Department of Food and Agriculture cannabis cultivation program regulations, for which the applicant is applying and whether the application is for an M-license or A-license:

A list of all the types, including the license numbers of valid licenses, from the department and other cannabis licensing authorities that the applicant already holds: _____

DESIGNATED RESPONSIBLE PARTY

The designated responsible party, who shall also be an owner, with legal authority to bind the applicant entity, and the primary contact for the application.

Full legal name: _____

Title: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Primary contact phone number: (____) _____ - _____

Email address: _____ + _____

A copy of the Designated Responsible Party's government-issued identification shall be attached. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government, including, but not limited to, a driver's license or passport, that contains the name, date of birth, physical description, and picture of the individual.

AGENT

If an individual or entity is serving as agent for service of process for the applicant, the following information shall be provided:

Full legal name: _____

Title: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Primary contact phone number: (____) _____ - _____

Email address: _____ + _____

Owner

A complete list of every owner of the applicant entity. "Owner" means any of the following:

- (1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- (2) The chief executive officer of a nonprofit or other entity.
- (3) A member of the board of directors of a nonprofit.
- (4) An individual who will be participating in the direction, control, or management of the person applying for a license.

Each individual owner named shall submit the following information:

Full legal name: _____

Title: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Primary contact phone number: (____) _____ - _____

Email address: _____ + _____

Date ownership interest in the applicant entity was acquired: _____

Percentage of the ownership interest held in the applicant entity by the owner: _____

A list of all the valid licenses, including license type(s) and license number(s), from the department and other cannabis licensing authorities that the owner is listed as either an owner or financial interest holder:

A copy of the owner's government-issued identification shall be attached. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government, including, but not limited to, a driver's license or passport, that contains the name, date of birth, physical description, and picture of the individual.

For applicants that are a cannabis cooperative as defined by Division 10, Chapter 22 (commencing with section 26220) of the Business and Professions Code, identification of all members.

Evidence that the applicant entity has the legal right to occupy and use the proposed location.

Appendix E. Early Activation of Use for a Minor or Major Use Permit for Commercial Cannabis Cultivation Application Form



COUNTY OF LAKE
Community Development Department
PLANNING DIVISION
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Phone (707) 263-2221 FAX (707) 263-2225

Planning Division Application
Early Activation of Use for Commercial Cannabis Cultivation
(Please type or print)

Project name: _____

Assessors Parcel # : _____ - _____ - _____

_____ - _____ - _____

INITIAL FEES:

EA

Sub Total:

Technology recovery 2% Cost

General Plan Maintenance
Fee

\$50.00

Zoning: _____

General Plan: _____

Receipt # _____

Initial: _____

APPLICANT:

NAME: _____

MAILING ADDRESS: _____

CITY: _____

STATE: _____ **ZIP:** _____

PRIMARY PHONE: () _____

SECONDARY PHONE: () _____

EMAIL: _____

PROPERTY OWNER (IF NOT APPLICANT):

NAME: _____

MAILING ADDRESS: _____

CITY: _____

STATE: _____ **ZIP:** _____

PRIMARY PHONE: () _____

SECONDARY PHONE: () _____

EMAIL: _____

PROJECT LOCATION

ADDRESS: _____

PRESENT USE OF LAND:

DESCRIPTION OF PROJECT:

Existing/Proposed Water Supply: _____

Existing/Proposed Sewage Disposal: _____

Fire Protection District: _____

School District: _____

At-Cost Project Reimbursement

I, _____, the undersigned, hereby authorize the County of Lake to process the above referenced permit request in accordance with the County of Lake Code. I am paying an initial fee of \$_____ as an estimated cost for County staff review, coordination and processing costs related to my permit (Resolution No. 2017-19. February 7, 2017). **In making this initial fee, I acknowledge and understand that the initial fee may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Reimbursement Agreement:

1. Time spent by County of Lake staff in processing my application and any direct costs will be billed against the available initial fee. **"Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, processing of any appeals, responding to public records act requests or responding to any legal challenges related to the application. "Staff" includes any employee of the Community Development Department.**
2. If processing costs exceed the available initial fee, I will receive invoices payable within 30 days of billing.
3. As the owner of the project location, I have the authority to authorize and I hereby do authorize the County of Lake or authorized representative(s) to make inspections at any reasonable time as deemed necessary for the purpose of review and processing this application.
4. If I fail to pay any invoices within 30 days, the County will stop processing my permit application. All invoices must be paid in full prior to issuance of the applied for permit.
5. If the County determines that any study submitted by the applicant requires a County-contracted consultant peer review, I will pay the actual cost of the consultant review. This cost may vary depending on the complexity of the analysis. Selection of any consultant for a peer review shall be at the sole discretion of the Community Development Director or his designee.

6. I agree to pay the actual cost of any public notices for the project as required by State Law and the Lake County Zoning Ordinance.
7. I may, in writing, request a further breakdown or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.
8. I agree to pay all costs related to permit condition compliance as specified in any conditions of approval for my permit/entitlement including compliance monitoring.
9. I agree not to alter the physical condition of the property during the processing of this application by removing trees, demolishing structures, altering streams, and/or grading or filling. I understand that such alteration of the property may result in the imposition of criminal, civil or administrative fines or penalties, or delay or denial of the project.
10. Applicant shall defend, indemnify and hold harmless the County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, including any claim for private attorney general fees claimed by or awarded to any party against the County, and shall also include the County's costs incurred in preparing the administrative record which are not paid by the petitioner. The County shall promptly notify the applicant of any claim, action or proceeding. Notwithstanding the foregoing, the County shall control the defense of any such claim, action or proceeding unless the settlement is approved by the applicant and that the applicant may act in its own stead as the real party in interest in any such claim, action or proceeding.
11. I have checked the current Hazardous Waste and Substances Sites List pursuant to Government Code Section 65962.5(f). www.envirostor.dtsc.ca.gov/public/ The proposed project site **is** ☐ or **is not** ☐ included on the most recent list.
12. I understand that pursuant to State Fish and Games Code Section 711.4, a filing fee is required for all projects processed with a Negative Declaration or Environmental Impact Report unless it has been determined by the California Department of Fish (CDFW) that the project will have no effect on fish and wildlife. The fees are collected by the County Community Development Department, Planning and Environmental review Division (PER) for

payment to the State. I understand that I will be notified of the fee amount upon release of the environmental document for the project.

13. I hereby agree that any drainage studies and/or drainage models that are provided to the County as part of the technical studies for this entitlement process will be provided with a license or other satisfactory release allowing the County to duplicate, distribute, and/or publish the studies and models to the general public without restriction. I understand that failure to provide such license or release to the satisfaction of the County may result in comment that the study and or model is inadequate to support the entitlement request.

The signature(s) below signifies legal authority and consent to file an application in accordance with the information above. The signature also signifies that the submitted information and accompanying documents are true and accurate, and that the items initialed above have been read and agreed to.

Note: This agreement does not include other agency review fees or the County Clerk Environmental Document filing fees.

**APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE(S) OF LEGAL PROPERTY OWNERSHIP
OR OFFICIAL AGENT/AUTHORITY TO FILE (circle one)**

Ownership

Contract to Purchase*

Letter of Authorization*

Power of Attorney*

**Must Attach Evidence*

Name of Property Owner or Corporate Principal Responsible or Appointed Designee for Payment of all At-Cost Project Reimbursement Fees:

(Please Print)

Name of Company or Corporation (if applicable):

(Please Print)

Mailing Address of the Property Owner or Corporation/Company responsible for paying processing fees:

(If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation)

Name:* _____

Date: _____

Email address: _____

Phone Number: _____

Signature of Owners/Agent* Name

Date

Signature of Applicant

Date

Supplemental Question for Early Activation of a Minor or Major Use Permit for
Commercial Cannabis Cultivation

	Yes	No
1. Have you submitted a minor or major use permit application for the commercial cannabis cultivation site covered in the application?	<input type="checkbox"/>	<input type="checkbox"/>
2. Has that application been found to be complete?	<input type="checkbox"/>	<input type="checkbox"/>
3. Are you qualified to receive and permit?	<input type="checkbox"/>	<input type="checkbox"/>
4. Were you enrolled with the applicable with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs prior to March 20, 2018 or have received written verification from the appropriate board that enrollment is not necessary?	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you received a Conditional Certificate of Recognition of Compliance for compliance with Article 72 for this site?	<input type="checkbox"/>	<input type="checkbox"/>

An application will not be accepted if there is a “no” response to any of these questions.

If the application is accepted and it is later found that the response to any of these questions was incorrect, the major or minor use permit application will be denied.

Appendix F. Property Owner Consent Form

Property Owner Consent Form

Property Owner Consent Form to Allow Commercial Cannabis Cultivation

I, _____, declare under penalty of perjury that:

1. I am the record title owner of the property located at:

(Physical Address)

Lake County, California,

APN _____, or the title owner is a trust or business entity named, _____ and I have been duly authorized to represent such trust or business entity for purposes of executing this document.

2. I, or the trust or business entity I represent, am aware that the applicant is in the process of applying to the Lake County Community Development Department for a permit to cultivate commercial cannabis on the property described above in conformance with all the provisions of Chapter 21 the Lake County Code.
3. I, or the trust or business entity I represent, understand that, as the owner of the parcel containing a commercial cannabis cultivation site, I am required to sign this agreement in order for the applicant's application to go forward and understand that I may be liable under local, state, or federal law for the cannabis cultivation activities I am allowing on my property.

(Landowner Signature)

(Applicant Signature)

(Print Applicants Name)

Signed this _____ day of _____, 20____

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of _____ }

On _____ before me, _____
(Here insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature (Notary Public Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

Appendix G. Affidavit

Affidavit

AFFIDAVIT FOR COMMERCIAL CANNABIS CULTIVATION PERMIT

By affixing my signature to this affidavit, I hereby declare that:

1. I have submitted an application to the Lake County Community Development Department for a permit to cultivate commercial cannabis pursuant to Chapter 21 the Lake County Code.
2. I affirm that my application packet for a cultivation permit pursuant to Chapter 21 the Lake County Code either meets the requirements to obtain such cultivation permit or that I am actively in the process of fulfilling such requirements.
3. All cannabis cultivation activities conducted by me, my agents or employees shall be conducted in conformance with the requirements of Chapter 21 the Lake County Code and with the California Medicinal and Adult-Use Cannabis Regulation and Safety Act.
5. All cannabis or cannabis products under my control or the control of my agents or employees, and cultivated pursuant to Chapter 21 the Lake County Code and the California Medicinal and Adult-Use Cannabis Regulation and Safety Act will be distributed within the State of California.

I declare under penalty of perjury, under the laws of the State of California, that the information provided on this affidavit is true and correct and that I am authorized to sign on behalf of the entity listed below.

Signed this _____ day of _____, 20____

(Applicant Signature)

(Print Applicants Name)

(If applicant is the representative of a trust or business entity, print its name)

(Physical Address of Cultivation Site)

APN: _____

Appendix H. Site Plan Checklist and Sample

Site Plan Checklist and Sample

Introduction

An application for a minor or major use permit for commercial cannabis cultivation shall include site plan prepared by a design professional. The site plan shall be legible and drawn to scale and provided in a PDF format. The site plan consists of the following sheets.

Sheet 1 Cover Sheet

The cover sheet shall include the following:

1. Location map.
2. Parcel's Assessor's Parcel Number and address.
3. Property owner's name, address, phone number, email.
4. Applicant's name, address, phone number, email.
5. The site address.
6. Parcel's configuration clearly shown with all property boundaries and dimensions.
7. Total area of the parcel in square feet or acres.
8. Location of cannabis cultivation site within the parcel.

Sheet 2 Surrounding Area Aerial

An aerial showing the lot of record boundaries and the boundaries of the area 1,000 feet from the edge of all property lines. The following shall be included:

1. A north arrow and scale of drawing.
2. The boundaries of the parcel.
3. The location of any public or private school, grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, licensed child care facility or nursery school, or church or youth-oriented facility catering to or providing services primarily intended for minors within 1,250 feet of the property.
4. The location of all residential structures within 250 feet of the property.
5. Location of water courses.

Sheet 3 Site Plan, Existing Conditions

This site plan is a graphic representation of the existing conditions of the parcel where the cannabis cultivation site is to be located. If the cannabis cultivation site is existing, this sheet shall include the current conditions of the site. Any proposed modifications shall be included on Sheet 4. The site plan shall be prepared by a design professional to scale and shall not contain any highlighting. The site plan shall include:

- 1) A north arrow and scale of drawing.
- 2) The graphic section shall be to scale.
- 3) Location map showing where in the County the site is located.
- 4) The assessor's parcel number(s).

- 5) All boundaries of the entire lot of record where the permit is located.
- 6) Lot of record dimensions and all setbacks.
- 7) The area of the property in square feet or acres.
- 8) Location of the existing general uses of the property, such as residence, natural, vineyard, pear or walnut orchard, other crop land, grazing land, managed forest, other commercial uses, mining, cannabis cultivation, etc.
- 9) The location of the cultivation site, if existing.
- 10) Location, function, height and size of all existing structures on the property. Provide the floor area for each structure.
- 11) Location of existing walls and fences and an indication of their height and construction material.
- 12) The existing circulation system including the location and dimensions of all off-street parking areas including but not limited to, aisles, parking spaces, service areas, loading areas, and points of access to public rights-of-way, and handicap parking facilities. Describe materials of construction of driveways and parking. Location, dimensions, and surfacing of access to the cultivation site to a public road, street, or highway.
- 13) Distance from existing structures and parking to property lines, and to centerline of street or alley. Distance between principal and accessory buildings and structures. Include any established building setback lines.
- 14) Adjacent right(s)-of-way including street names, route numbers, width of right-of-way, existing center line and existing center line and existing surfacing.
- 15) Location, dimensions and description of all existing public and private easements.
- 16) The location of existing utility systems including sanitary sewers, storm sewers, and water, electric, cable and telephone lines.
- 17) Location of existing wells or statement of the existing source of water for drinking and irrigation. Include the locations also provided as coordinates in either latitude and longitude or the California Coordinate System
- 18) Location of existing septic tanks and leach fields.
- 19) Location of trash enclosures and type and number of trash storage bins or containers including type of screening.
- 20) Location, setback, size, and height of all existing signs, including method of illumination, if applicable.
- 21) Location of existing water courses.
- 22) Location of existing drainage facilities including stormwater runoff from all structures.
- 23) Location of flood zones.
- 24) Location of all natural features such as spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool or ponds, wetland, significant rock outcroppings, slides and depressions; location and types of on-site trees; fish and wildlife resources.
- 25) Location of existing mature trees or designation of areas covered by uniform vegetation (brush, grassland, oaks, conifers, etc.)
- 26) Topography at contour intervals determined by the Department.

27) Location of earthquake fault zones.

Sheet 4. Site Plan Proposed Conditions

This site plan is a graphic representation of changes to the existing condition on the parcel where the cannabis cultivation site is located. The site plan shall be prepared by a design professional to scale and shall not contain any highlighting. The site plan shall include:

- 1) A north arrow and scale of drawing.
- 2) The graphic section shall be to scale.
- 3) Location map.
- 4) The assessor's parcel number(s).
- 5) All boundaries of the entire lot of record where the permit is located.
- 6) Lot of record dimensions and all setbacks.
- 7) The area of the property in square feet or acres.
- 8) Location of the proposed uses of the property, such as residence, natural, vineyard, pear or walnut orchard, other crop land, grazing land, managed forest, other commercial uses, mining, cannabis cultivation, etc.
- 9) The location, function, height and size of all proposed structures on the property. Provide the gross and net floor area for all proposed structures.
- 10) Location of proposed walls and fences and an indication of their height and construction material.
- 11) Location of any propose areas to be used for outdoor storage, sales, or display.
- 12) The existing and proposed circulation system including the location and dimensions of all off-street parking areas including but not limited to, aisles, parking spaces, service areas, loading areas, and points of access to public rights-of-way, and handicap parking facilities. Describe materials of construction of driveways and parking. Location, dimensions, and surfacing of access to the cultivation site to a public road, street, or highway. Provide the location of handicapped parking space(s) if required.
- 13) Distance from proposed structures and parking to property lines, and to centerline of street or alley. Distance between principal and accessory buildings and structures. Include any established building setback lines.
- 14) Adjacent land uses on all sides of the parcel.
- 15) Location, dimensions and description of all proposed public and private easements.
- 16) The location of proposed utility systems including sanitary sewers, storm sewers, and water, electric, cable and telephone lines.
- 17) Location of proposed wells or statement of the existing source of water for drinking and irrigation. If the applicant is proposing to use a diversion from a waterbody, groundwater well, or rain catchment system as a water source for cultivation, include the locations also provided as coordinates in either latitude and longitude or the California Coordinate System.
- 18) Location of proposed septic tanks and leach fields, if applicable. If a septic system is existing or proposed the two (2) site plans MUST be approved by the County Environmental Health Division prior to plan submittal.
- 19) Location of any modification to water courses.

- 20) Location of proposed drainage facilities including stormwater runoff from all structures.
- 21) If phased, the intended phasing of development of the site.
- 22) Existing trees or shrubs to be removed.
- 23) Proposed landscape plan to show the general location, type, character, size and spacing of trees, shrubs and ground cover. A description and layout of the proposed irrigation system.
- 24) Location, setback, size, and height of all proposed signs. Proposed method of illumination.
- 25) Location of trash enclosures and type and number of trash storage bins or containers. Type of screening proposed.
- 26) Location and dimensions of storage areas for each use; location of all walls, hedges and fences; parking lot locations; lighting locations; and all proposed on-site sign locations.
- 27) A stormwater management plan.

Sheet 5. Cannabis Cultivation Site

This sheet is a graphic representation of the cannabis cultivation site. The sheet shall be prepared by a design professional to scale and shall not contain any highlighting and shall include:

- 1) The location of existing canopy area(s), if present and the location of all proposed canopy areas;
- 2) The individual and aggregate square footage of each canopy area(s);
- 3) Area(s) outside of the canopy where only immature plants shall be maintained, if applicable;
- 4) Designated pesticide and other agricultural chemical storage area(s);
- 5) Designated processing area(s) if the applicant will process on site;
- 6) Designated packaging area(s) if the applicant will package products on site;
- 7) Designated composting area(s) if the applicant will compost cannabis waste on site;
- 8) Designated secured area(s) for cannabis waste if different than subsection (7) above;
- 9) Designated area(s) for harvested cannabis storage;
- 10) The boundaries of the cannabis cultivation site;
- 11) The cannabis cultivation area in square feet; and
- 12) The location of the fully enclosed solid fence and all entry points and a description of the fence and locks on all gates.
- 13) Location of trash enclosures and type and number of trash storage bins or containers. Type of screening proposed.

Sheet 6. Cannabis Related Building Layouts

This sheet is a graphic representation of the existing and proposed structures on the parcel and shall include

- 1) The location, function, height and size of all existing and proposed structures (including walls and fences) on the property. Include gross and net floor area for all commercial and multi-unit development
- 2) Floor plan of each proposed structure.

- 3) For each proposed structure, the dimensions, entrances and exits, interior partitions, walls, rooms, windows, and common or shared entryways.

Sheet 7. Security

This sheet is a graphic representation of how the security requirements of the Zoning Ordinance related to the commercial cultivation of cannabis will be accomplished. The sheet shall include the following:

- 1) The location and description of fences to secure perimeter access and all points of entry for the cultivation site.
- 2) The location of areas that will be maintained such that visibility and security monitoring of the premises is possible.
- 3) Identification of the areas covered by the video surveillance system including the perimeter of the cannabis cultivation site and cannabis nursery, areas where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises, areas where cannabis is destroyed, limited-access areas, security rooms, and the interior and exterior of all entrances and exits to the cannabis cultivation sites and cannabis nursery including all buildings where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises.
- 4) The location of where the public may view the parcel and how cultivation area is screened from that public view. Methods of screen may include, but is not limited to, topographic barriers, vegetation, or solid (opaque) fences.

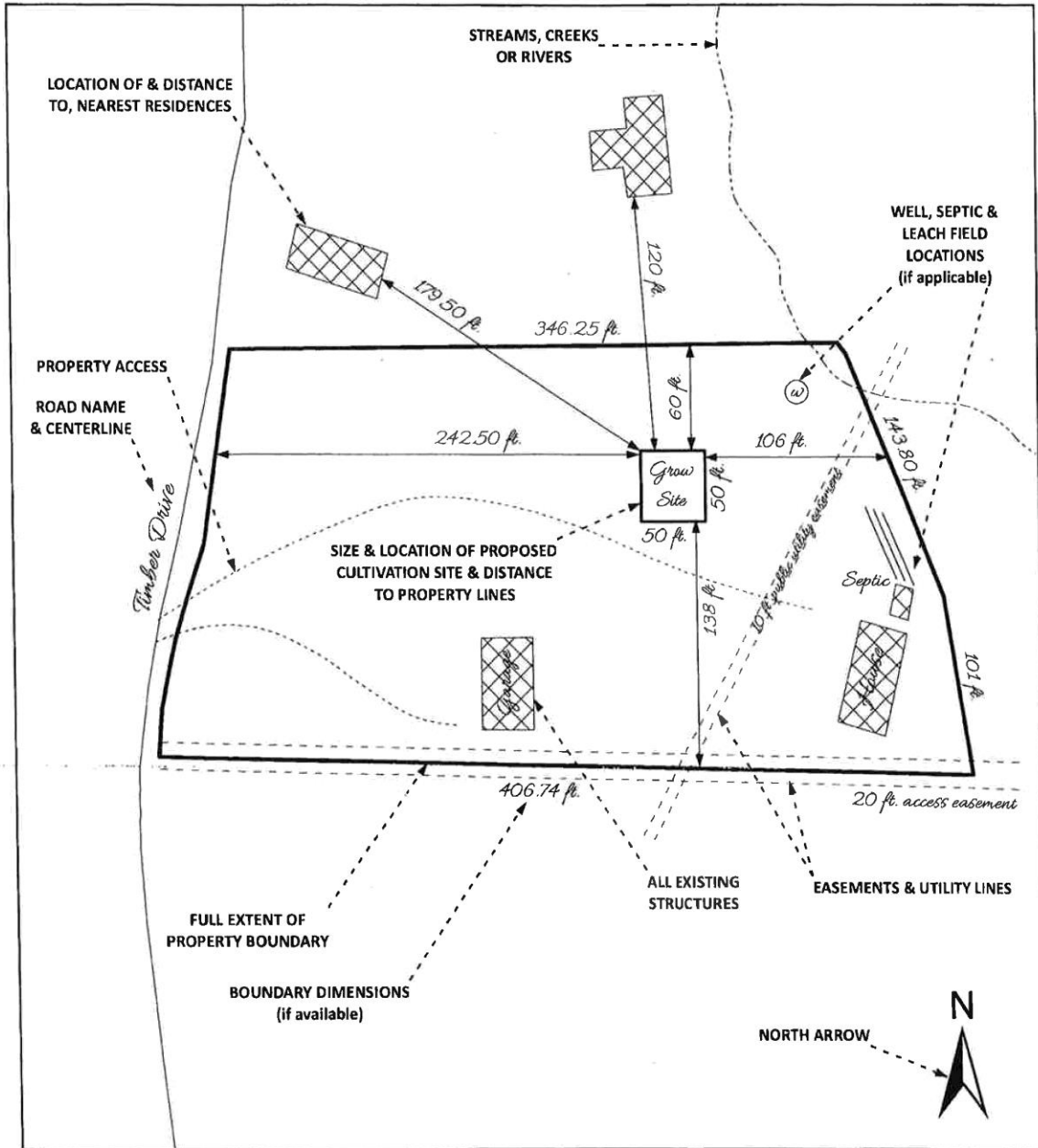
Optional Sheets

- 1) If applicable, a grading plan including location of all cuts and fills, quantity of materials to be moved including the quantity of materials to be removed or brought to the site, location and description of any trees to be removed, and proposed best management practices for water quality treatment.

SITE PLAN

PERMIT NO: _____

SAMPLE CULTIVATION SITE PLAN



SITE PLAN MUST INCLUDE ALL RELEVANT INFORMATION

APPLICANT: _____
 APN/S (LEGAL PCL.): _____
 CULTIVATION SITE ADDR: _____

Figure from Mendocino County Department of Planning and Building Services

Appendix I. Property Management Plan

Property Management Plan

Introduction

A Property Management Plan is required for all minor and major use permits for the commercial cultivation of cannabis. The intent of the Property Management Plan is to identify and locate all existing cannabis and non-cannabis related uses on the property, identify and locate all proposed cannabis and non-cannabis related uses on the property, and describe how all cannabis and non-cannabis related uses will be managed in the future. The Property Management Plan shall demonstrate how the operation of the commercial cannabis cultivation site will not harm the public health, safety, and welfare or the natural environment of Lake County.

The Property Management Plan consists of the following sections:

1. Air Quality
2. Cultural Resources
3. Energy Usage
4. Fertilizer Usage
5. Fish and Wildlife Protection
6. Operations Manual
7. Pest Management
8. Security
9. Stormwater Management
10. Waste Management
11. Water Resources
12. Water Use

This plan will include a series of maps. Unless otherwise described, these maps shall include, at a minimum, the entire parcel where the cultivation site is located. In addition, site plans will be required. The site plan shall include the cultivation site and a minimum 100 feet around the site. All maps and site plans shall be to scale and prepared by a design professional.

The applicant shall provide any other information as may be requested by the Community Development Director and/or by the Planning Commission.

The Property Management Plan shall be provided in PDF format. No hard copies will be accepted.

Air Quality

Intent: All cannabis permittees shall not degrade the County's air quality as determined by the Lake County Air Quality Management District (LCAQMD).

In this section, permittees shall identify any equipment or activity that which may cause, or potentially cause the issuance of air contaminants including odor and shall identify measures to be taken to reduce, control or eliminate the issuance of air contaminants, including odors.

All cannabis permittees shall obtain Authority to Construct Permit pursuant to LCAQMD Rules and Regulations, if applicable, to operate any article, machine, equipment or other contrivance which causes or may cause the issuance of an air contaminant, prior to the construction of the facility described in the Property Management Plan. All permittees shall maintain an Authority to Construct or Permit to Operate for the life of the project, until the operation is closed and equipment is removed.

The applicant shall prepare an odor response program that includes (but is not limited to):

- a. Designating an individual(s) who is/are responsible for responding to odor complaints 24 hours per day/seven (7) days a week, including holidays.
- b. Providing property owners and residents of property within a 1,000 foot radius of the cannabis facility, with the contact information of the individual responsible for responding to odor complaints.
- c. Policies and procedures describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint.
- d. The description of potential mitigation methods to be implemented for reducing odors, including add-on air pollution control equipment.
- e. Contingency measures to mitigate/curtail odor and other emissions in the event the methods described above are inadequate to fully prevent offsite nuisance conditions.

Cultural Resources

Intent: All permittees shall protect the cultural, historical, archaeological, and paleontological resources on the lot of record where the permitted activity is located.

This section shall describe the procedures to be followed if cultural, historical, archaeological, and paleontological resources are found on the property.

The Department will consult with appropriate Tribe regarding the potential of such resources being located on the lot of record. Based on that consultation, the Department may require a cultural resource study of the property to determine the extent such resources exist on the lot of record. The applicant will be responsible for paying the cost of such a study.

Based on that study and in consultation with the appropriate Tribe(s), the Department may require its findings and recommendations to be included in this section.

Energy Usage

Intent: Permittees shall minimize energy usage.

In this section permittees shall:

- a. Provide energy calculation as required by the California Building Code.
- b. Identify energy conservation measures to be taken and maintained including providing proof of compliance with CCR Title 3, Division 8, Chapter 1, Section 8305 the Renewable Energy Requirements.
- c. If alternative energy sources are to be used, describe those sources and the amount of electricity that will be provided.
- d. For indoor cannabis cultivation licensees, ensure that electrical power used for commercial cannabis activity shall be provided by any combination of the following:
 - (1) On-grid power with 42 percent renewable source.
 - (2) Onsite zero net energy renewable source providing 42 percent of power.
 - (3) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.
 - 4) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.
- e. Describe what parameters will be monitored and the methodology of the monitoring program.

Fertilizer Usage

Intent: To ensure consistency of fertilizer storage and use with the other sections of the Property Management Plan.

This section shall describe how cultivation and nursery permittees will comply with the following fertilizer application and storage protocols:

- a. Complying with all fertilizer label directions;
- b. Storing fertilizers in a secure building or shed;
- c. Containing any fertilizer spills and immediately clean up any spills;
- d. Applying the minimum amount of product necessary;
- e. Preventing offsite drift;
- f. Not spraying directly to surface water or allow fertilizer product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
- g. Not applying fertilizer when they may reach surface water or groundwater; and
- h. Nor using fertilizer within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.

This section shall include a map of the parcel where the cultivation site is located showing any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record of land or within 100 feet of the lot of record and a 100-foot setback from any identified spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. This map shall include the location of where fertilizers will be stored and used.

A description what parameters will be monitored and the methodology of the monitoring program shall be included in this section.

Fish and Wildlife Protection

Intent: To minimize adverse impacts on fish and wildlife.

In this section permittees shall include:

- a. A description of the fish and wildlife that are located on or utilize on a seasonal basis the lot of record where the permitted activity is located;
- b. A description of the habitats found on the lot of record. These habitats shall be located on a map;
- c. A description of the watershed in which the permitted activity is located. A map shall be provided showing the full watershed;
- d. Describe how the permittee will minimize adverse impacts on the fish and wildlife; and
- e. A map showing the location of any conservation easements or wildlife corridors proposed.

Operations Manual

Intent: To describe the operating procedures of the commercial cannabis cultivation site to ensure compliance with the use permit, protect the public health, safety and welfare, as well as the natural environment of Lake County.

This section shall include the following:

- a. Authorization for the County, its agents, and employees, to seek verification of the information contained within the development permit or use permit applications, the Operations Manual, and the Operating Standards at any time before or after development or use permits are issued;
- b. A description of the staff screening processes;
- c. The hours and days of the week when the facility will be open;
- d. Description of measures taken to minimize or offset the carbon footprint from operational activities;
- e. Description of chemicals stored, used and any effluent discharged as a result of operational activities;
- f. The permittee shall establish and implement written procedures to ensure that the grounds of the premises controlled by the permittee are kept in a condition that prevents the contamination of components and cannabis products. The methods for adequate maintenance of the grounds shall include at minimum:
 - (i) The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass so that the premises shall not constitute an attractant, breeding place, or harborage for pests.
 - (ii) The proper maintenance of roads, yards, and parking lots so that these areas shall not constitute a source of contamination in areas where cannabis products are handled or transported.
 - (iii) The provision of adequate draining areas in order to prevent contamination by seepage, foot-borne filth, or the breeding of pests due to unsanitary conditions.
 - (iv) The provision and maintenance of waste treatment systems so as to prevent contamination in areas where cannabis products may be exposed to such a system's waste or waste by-products.

If the lot of record is bordered by grounds outside the applicant's control that are not maintained in the manner described in subsections (i) through (iv) of this section, inspection, extermination, and other reasonable care shall be exercised within the lot of record in order to eliminate any pests, dirt, and/or filth that pose a source of cannabis product contamination.

Pest Management

Intent: To ensure consistency of pest management with the other sections of the Property Management Plan.

This section shall describe how cultivation and nursery permittees will comply with the following pesticide application and storage protocols:

- a. Complying with the California Food and Agriculture Code, Division 6 Pest Control Operations and Division 7 Agriculture Chemical; Chapter 1 – 3.6 and California Code of Regulations, Division 6 Pest Control Operations.
- b. Complying with all pesticide label directions;
- c. Storing chemicals in a secure building or shed to prevent access by wildlife;
- d. Containing any chemical leaks and immediately clean up any spills;
- e. Preventing offsite drift;
- f. Not applying pesticides when pollinators are present;
- g. Not allowing drift to flowering plants attractive to pollinators;
- h. Not spraying directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;

- i. Not applying pesticides when they may reach surface water or groundwater;
- j. Using only properly labeled pesticides; and
- k. Not using pesticides within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.

This section shall include a map of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record of land or within 100 feet of the lot of record and a 100 foot setback from any identified spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. This map shall include the location of where pesticides will be stored and used.

Security

Intent: To minimize criminal activity, provide for safe and secure working environments, protect private property, and to prevent damage to the environment. The Applicant shall provide adequate security on the premises, as approved by the Sheriff and pursuant to this section, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

This section shall include at a minimum a description of the security measures to be taken to:

- a. Prevent access to the cultivation site by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:
 - A description of fences.
 - Establishing physical barriers to secure perimeter access and all points of entry (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);
 - Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;
 - Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;
 - Maintaining the premises such that visibility and security monitoring of the premises is possible; and
 - Establishing procedures for the investigation of suspicious activities.
- b. Prevent theft or loss of cannabis and cannabis products. This includes but is not limited to:
 - Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the cultivation process;
 - Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;
 - Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and
 - Providing designated areas in which personnel may store and access personal items.
- c. Identification of emergency contact(s) that is/are available 24 hours/seven (7) days a week including holidays. This section shall include the name, phone number and facsimile number or email address of an individual working on

the commercial cultivation premises, to whom notice of problems associated with the operation of the commercial cultivation establishment can be provided. The commercial cultivation establishment shall keep this information current at all times. The applicant shall make every good faith effort to encourage neighborhood residents to call this designated person to resolve operating problems, if any, before any calls or complaints are made to the County.

This section shall include a description of procedures on receiving complaints, responding to the complaints, maintaining records of all complaints and resolution of complaints, and providing a tally and summary of issues the annual Performance Review Report.

d. A description of the required video surveillance.

- (i) At a minimum, permitted premises shall have a complete digital video surveillance system with a minimum camera resolution of 1080 pixel. The video surveillance system shall be capable of recording all pre-determined surveillance areas in any lighting conditions.
- (ii) The video surveillance system shall be capable of supporting remote access by the permittee.
- (iii) To the extent reasonably possible, all video surveillance cameras shall be installed in a manner that prevents intentional obstruction, tampering with, and/or disabling.
- (iv) Areas that shall be recorded on the video surveillance system include, but are not limited to, the following:
 - The perimeter of the cannabis cultivation site and cannabis nursery,.
 - Areas where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises;
 - Areas where cannabis is destroyed;
 - Limited-access areas;
 - Security rooms;
 - Areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and
 - The interior and exterior of all entrances and exits to the cannabis cultivation sites and cannabis nursery including all buildings where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises.
- (v) The surveillance system shall operate continuously 24 hours per day and at a minimum of 30 frames per second.
- (vi) All exterior cameras shall be waterproof, I-66 minimum.
- (vii) All interior cameras shall be moisture proof.
- (viii) Cameras shall be color capable.
- (ix) Video management software shall be capable of integrating cameras with door alarms.
- (x) Video recordings shall be digital.
- (xi) Thermal technology shall be use for perimeter fencing.

- (xii) All cameras shall include motion sensors that activates the camera when motion is detected.
- (xiii) In areas with inadequate lighting for the cameras being used, sufficient lighting shall be provided to illuminate the camera's field of vision.
- (xiv) All recording shall be located in secure rooms or areas of the premises in an access and environment-controlled environment which is separate from the room where the computer and monitoring equipment is located.
- (xv) All surveillance recordings shall be kept on the applicant's recording device or other approved location for a minimum of 30 days.
- (xvi) All video surveillance recordings are subject to inspection by the Department and shall be copied and sent, or otherwise provided, to the Department upon request.
- (xvii) The video recordings shall display the current date and time of recorded events. Time is to be measured in accordance with the U.S. National Institute Standards and Technology standards. The displayed date and time shall not significantly obstruct the view of recorded images.

e. A description of the required fences.

- (i) Any commercial cannabis cultivation site shall be enclosed by a fence. The fence shall include, at a minimum, the following:
 - Posts set into the ground. The posts may be steel tubing, timber or concrete and may be driven into the ground or set in concrete.
 - End, corner or gate posts, commonly referred to as "terminal posts", must be set in concrete footing or otherwise anchored to prevent leaning under the tension of a stretched fence.
 - Posts set between the terminal posts shall be set at intervals not to exceed 10 feet. A top horizontal rail is required between all posts.
 - The fence shall be attached to the posts and top horizontal rail.
- (ii) No barbed wire, razor wire or similar design shall be used.
- (iii) The cultivation area shall be screened from public view. Methods of screen may include, but is not limited to, topographic barriers, vegetation, or solid (opaque) fences.

Storm Water Management

Intent: To protect the water quality of the surface water and the stormwater management systems managed by Lake County and to evaluate the impact on downstream property owners.

This section shall include at a minimum:

- a. Provide written and graphic representation of how storm water runoff will be managed to protect downstream receiving water bodies from water quality degradation.
- b. Provide written and graphic representation of how the applicant will comply with the California State Water Board, the Central Valley Regional Water Quality Control Board, and the North Coast Region Water Quality Control Board orders, regulations, and procedures as appropriate.
- c. Provide written and graphic representation showing the outdoor cultivation, including any topsoil, pesticide or fertilizers used for the cultivation cannabis shall not be located within 100 feet of any spring, top of bank of any

creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.

- d. Provide written discussion describing how the illicit discharges of irrigation or storm water from the premises, as defined in Title 40 of the Code of Federal Regulations, Section 122.26, which could result in degradation of water quality of any water body will be prevented.
- e. Identify of any Lake County maintained drainage or conveyance system that the stormwater is discharged into and documentation that the stormwater discharge is in compliance with the design parameters of those structures.
- f. Identify of any public roads and bridges that are downstream of the discharge point and documentation that the stormwater discharge is in compliance with the design parameters of any such bridges.
- g. Provide documentation that the discharge of stormwater from the site will not increase the volume of water that historically has flow onto adjacent properties.
- h. Provide documentation that the discharge of stormwater will not increase flood elevations downstream of the discharge point.
- i. Provide documentation of compliance with the requirements of Chapter 29, Storm Water Management Ordinance of the Lake County Ordinance Code.
- j. Describe the proposed grading of the property.
- k. Describe the best management practices (BMPs) that will be used during construction and those that will be used post-construction. Post-construction BMPs shall be maintained through the life of the permit; and
- l. Describe what parameters will be monitored and the methodology of the monitoring program.

Waste Management

Intent: To minimize the generation of waste and dispose of such waste properly, to prevent the release of hazardous waste into the environment, minimize the generation of cannabis vegetative waste and dispose of cannabis vegetative waste properly, and manage growing medium and dispose of growing medium properly.

This section shall include the following components:

Solid Waste Management

The solid waste management section shall include:

Provide an estimate of the amount of solid waste that will be generated on an annual basis and daily during peak operational seasons, broken down into the following categories:

- Paper
- Glass
- Metal
- Electronics
- Plastic
- Organics
- Inerts
- Household hazardous waste
- Special waste, and

- Mixed residue

Describe how the permittee will minimize solid waste generation, including working with vendors to minimize packaging.

Describe the waste collection frequency and method.

Describe how solid waste will be temporarily stored prior to transport to a compost, recycling, or final disposal location.

Describe the composting, recycling, or final disposal location for each of the above categories of solid waste.

Hazardous Waste Management

The hazardous waste section shall include:

(1) Hazard Analysis.

The applicant shall conduct a hazard analysis to identify or evaluate known or reasonably foreseeable hazards for each type of cannabis product produced at their facility in order to determine whether there exist any hazards requiring a preventive control. The hazard analysis shall include:

The identification of potential hazards, including:

- (i) Biological hazards, including microbiological hazards;
- (ii) Chemical hazards, including radiological hazards, pesticide(s) contamination, solvent or other residue, natural toxins, decomposition, unapproved additives, or food allergens; and/or
- (iii) Physical hazards, such as stone, glass, metal fragments, hair or insects.

The evaluation of the hazards identified in order to assess the severity of any illness or injury that may occur as a result of a given hazard, and the probability that the hazard will occur in the absence of preventive controls.

The hazard evaluation shall consider the effect of the following on the safety of the finished cannabis product for the intended consumer:

- (i) The sanitation conditions of the manufacturing premises;
- (ii) The product formulation process;
- (iii) The design, function and condition of the manufacturing facility and its equipment;
- (iv) The ingredients and components used in a given cannabis product;
- (v) The operation's transportation and transfer practices;
- (vi) The facility's manufacturing and processing procedures;
- (vii) The facility's packaging and labeling activities;
- (viii) The storage of components and/or the finished cannabis product;
- (ix) The intended or reasonably foreseeable use of the finished cannabis product: and
- (x) Any other relevant factors.

(2) Management Plan

The Management Plans shall:

- (i) Identify all Resource Conservation and Recovery Act (RCRA), Non-RCRA hazardous waste and Universal wastes and the volume of each;
- (ii) Identify all containers and container management;
- (iii) Describe storage locations and chemical segregation procedures;
- (iv) Describe hazardous waste manifest and recordkeeping protocol;
- (v) Outline inspection procedures;
- (vi) Identify emergency spill response procedures;
- (vii) Describe staff responsibilities;
- (viii) Describe the staff training program;
- (ix) Describe the methodology on how the amount of hazardous materials and waste that is generated on the site, the amount that is recycled, and the amount and where hazardous materials and waste is disposed of, is measured; and
- (x) Include A map of any private drinking water well, spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record or within 100 feet of the lot of record and a 100 foot setback from any identified private drinking water well, spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. The map shall also include any public water supply well on the lot of record or within 200 feet of the lot of record and a 200 foot setback from any public water supply well.

Pursuant to the California Health and Safety Code, the use of hazardous materials shall be prohibited except for limited quantities of hazardous materials that are below State threshold levels of 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. The production of any Hazardous Waste as part of the cultivation process is prohibited.

Cannabis Vegetative Material Waste Management

The cannabis vegetative material waste management section shall:

Provide an estimate of the type and amount of cannabis vegetative waste that will be generated on an annual basis;

Describe how the permittee will minimize cannabis vegetative waste generation;

Describe how solid waste will be disposed; and

Describe the methodology on how the amount of cannabis vegetative waste that is generated on the site, the amount that is recycled, and the amount and where cannabis vegetative waste is disposed of is measured.

Growing Medium Management

The growing medium management section shall:

- Provide an estimate of the type and amount of new growing medium that will be used and amount of growing medium will be disposed of on an annual basis;
- Describe how the permittee will minimize growing medium waste generation;
- Describe any non-organic content in the growing medium used (such as vermiculite, silica gel, or other non-organic additives;

- Describe how growing medium waste will be disposed; and
- Describe the methodology on how the amount of growing medium waste that is generated on the site, the amount that is recycled, and the amount and where growing medium waste is disposed of, is measured.

Water Resources

Intent: To minimize adverse impacts on surface and groundwater resources.

This section shall include:

- A description of the surface and groundwater resources that are located on the lot of record where the permitted activity is located.
- A description of the watershed in which the permitted activity is located.
- A description of how the permittee will minimize adverse impacts on the surface and groundwater resources.
- A description of what parameters will be measured and the methodology of how they will be measured.
- A map of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record of land or within 200 feet of the lot of record.
- A topographic map of the parcel prepared by a licensed surveyor where the permitted activity is located with contours no greater than five (5) feet

Water Use

Intent: To conserve the County's water resources by minimizing the use of water.

(b) All permitted activities shall have a legal water source on the premises, and have all local, state, and federal permits required to utilize the water source. If the permitted activity utilizes a shared source of water from another site, such source shall be a legal source, have all local, state, and federal permit required to utilize the water source, and have a written agreement between the property owner of the site where the source is located and the permitted activity agreeing to the use of the water source and all terms and conditions of that use.

(c) Permittee shall not engage in unlawful or unpermitted drawing of surface water.

(d) The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water-vending machine, or a retail water facility is prohibited.

(e) Where a well is used, the well must be located on the premises or an adjacent parcel. The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

(f) Water may be supplied by a licensed retail water supplier, as defined in Section 13575 of the Water Code, on an emergency basis. The application shall notify the Department within 7 days of the emergency and provide the following information:

- A description of the emergency.
- Identification of the retail water supplier including license number.

- c. The volume of water supplied.
- d. Actions taken to prevent the emergency in the future.

This section shall:

- Identify the source of water, including location, capacity, and documentation that it is a legal source.
- Described the proposed irrigation system and methodology.
- Describe the amount of water projected to be used on a monthly basis for irrigation and separately for all other uses of water and the amount of water to be withdrawn from each source of water on a monthly basis.
- Provide calculations as to the efficiency of the irrigation system using the methodology of the Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division2, Chapter 27).
- Describe the methodology that will be used to measure the amount of water used and the required monitoring

Appendix J. Cannabis Tax Ordinance

1 AN ORDINANCE ESTABLISHING A CANNABIS CULTIVATION TAX
2 IN THE UNINCORPORATED AREAS OF THE COUNTY OF LAKE

3 ORDINANCE NO. 3047

4 WHEREAS, on September 11, 2015, the Medical Marijuana Regulation and Safety Act,
5 which consists of three separate bills, was enacted; and

6 WHEREAS, the Medical Marijuana Regulation and Safety Act (hereinafter, the "Act")
7 creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail
8 sale, transport, distribution, delivery, and testing of medical cannabis; and

9 WHEREAS, the Act authorizes a county to impose a tax on the privilege of engaging in
10 those activities therein enumerated relating to medical cannabis, which authorization is codified in
11 Business and Professions Code section 19348; and

12 WHEREAS, Business and Professions Code section 19348 includes among those
13 activities which are subject to said tax, the cultivation of medical cannabis; and

14 WHEREAS, funding must be increased to address impacts to the County and its residents
15 related to medical cannabis cultivation in Lake County, which impacts affect law enforcement
16 resources, environmental protection resources, and water quality protection resources; and

17 WHEREAS, additional funding will further allow the County to develop and maintain
18 necessary educational services for the children of the County to educate them in regard to the
19 negative impacts of drug and alcohol use; and

20 WHEREAS, the Board of Supervisors wishes to impose such a license tax on medical
21 cannabis cultivation occurring in the unincorporated areas of the County of Lake in order to
22 provide such funding; and

23 WHEREAS, revenues collected on a tax imposed pursuant to Revenue and Taxation
24 Code section 7284 may be reserved for specific or general local purposes as determined by the
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Board of Supervisors; and

WHEREAS, in regard to the imposition of a tax on the cultivation of medical cannabis and/or upon any of the activities enumerated in Business and Professions Code section 19348, that code section authorizes a county board of supervisors to determine whether to impose said tax on individually, collectively, or cooperatively, and regardless of whether the activity is for compensation or gratuitous

WHEREAS, Business and Professions Code section 19348 requires that the Board of Supervisors specify in an ordinance proposing such a tax those activities subject to the tax, the applicable rate or rates, the method of apportionment, if necessary, and the manner of collection of the tax.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION ONE: Chapter 18 is hereby added to Article VI of the Lake County Code to read as follows:

"Sec. 18-45 Title

This Chapter shall be known as the Lake County Cannabis Cultivation Tax Ordinance.

Sec. 18-48 Purpose

The purpose of this ordinance is to impose a tax on cannabis cultivation operations which occur in the unincorporated areas of the County of Lake in order to raise additional revenue to help fund law enforcement, environmental protection, and water quality resources in the County as well as to establish additional educational programs for County youth relating to drug and alcohol use.

Sec. 18-49 Definitions

49.1 "Cultivation" means the germinating, cloning, seed production, planting, growing,

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and harvesting of cannabis plants and the on-site drying, curing, grading, or trimming of cannabis plants.

49.2 *"Person"* means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, cooperative, collective, syndicate or any other group of combination acting as a unit and includes the plural as well as the singular number.

49.3 *"Cultivation site"* means the sum of the area(s) of cannabis cultivation as measured around the perimeter of each discrete area of cannabis cultivation on a single premises, as defined herein.

49.4 *"Legally-Authorized Cannabis Cultivation"* means cannabis cultivation performed in compliance with local and state laws and regulations.

49.5 *"Personal Use"* means cultivation of medical cannabis under one of the following two conditions:

- a. Cultivation of medical cannabis by an individual in an area which does not exceed 100 square feet if cultivated for his/her personal use and which is not sold, distributed, donated, or provided to any other person or entity; or
- b. Cultivation of medical cannabis by a primary caregiver if the cultivation site does not exceed 500 square feet and he/she cultivates cannabis exclusively for the personal use of no more than five (5) specified qualified patients for whom he/she is the primary caregiver.

49.6 *"Outdoor Cultivation"* means the cultivation of cannabis using no artificial light of any kind.

49.7 *"Indoor Cultivation"* means the cultivation of cannabis in permanent structures using exclusively artificial light sources.

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1 49.8 "Mixed Light Cultivation" means the cultivation of cannabis which involves the use
2 of a combination of natural and supplemental artificial lighting at a maximum threshold as
3 determined by the Department of Food and Agriculture.

4 49.9 "Premises" means a legal parcel compliant with the Subdivision Map Act , or
5 leasehold interest in agricultural land for agricultural purposes of outdoor, mixed-light, or
6 indoor cultivation or processing of cannabis, or leased or owned space in an industrial or
7 commercial building for purposes of indoor cultivation, processing, manufacture or
8 distribution of cannabis.

9 Sec. 18-50 Activities Subject to the Tax

10 Except as otherwise exempted herein, all legally authorized cannabis cultivation
11 which occurs in the unincorporated areas of the County Lake is subject to the imposition
12 of the Lake County Cannabis Cultivation Operations Tax. The imposition of said tax is in
13 addition to any permitting or other requirements imposed by the Lake County Code.

14 Sec. 18-51 Tax Rate Imposed

15 In addition to any requirements imposed by Chapter 21 of the Lake County Code,
16 each person engaged in legally-authorized cannabis cultivation within the unincorporated
17 area of Lake County shall pay an annual tax of \$1 per square foot of an outdoor cultivation
18 site, \$2 per square foot of a mixed-light cultivation site, and/or \$3 per square foot of an
19 indoor cultivation site, subject to annual Consumer Price Index increases as provided in
20 Section 18-53 herein.

21 Sec. 18-52 Tax Exemption

22 No tax shall be imposed for medical cannabis cultivated strictly for personal use as
23 defined herein.

24 Sec. 18-53 Annual CPI Increase

25 The tax imposed by this Chapter shall be adjusted on July 1, 2017 and on the
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1 first of July of each succeeding year based upon the Consumer Price Index ("CPI") for all
2 urban consumers in the San Francisco-Oakland-San Jose areas as published by the U.S.
3 Bureau of Labor Statistics. No adjustment shall decrease the taxes imposed by this
4 Chapter.

5 Sec. 18-54 Manner of Collection

6 The tax imposed by this Chapter shall be collected by the Lake County Treasurer-
7 Tax Collector biannually in the same manner as other taxes fixed and collected by the
8 County of Lake. For purposes of this Chapter, taxes shall begin to accrue on the date on
9 which a person becomes engaged in legally-authorized cannabis cultivation in accordance
10 with the applicable provisions of the Lake County Code and all other applicable state and
11 federal laws and regulations.

12 Sec. 18-55 Penalties

13 Any person who fails to pay the tax required by this Chapter within thirty (30)
14 days after the due date shall pay, in addition to the tax, a penalty for nonpayment in a sum
15 equal to twenty-five percent (25%) of the total amount due. Receipt of the tax payment
16 by the Lake County Treasurer-Tax Collector's Office shall govern the determination of
17 whether the tax is delinquent. Postmarks will not be accepted as adequate proof of a
18 timely payment.

19 Sec. 18-56 Implementation Subsequent to Vote

20 Upon approval of the Ordinance enacting this Chapter by a majority of the voters,
21 the County may take such actions necessary for the implementation and administration of
22 the provisions of this Chapter. Such actions shall include, but shall not be limited to:

23 56.1 Adoption of Policies and Regulations. The County may adopt those policies and
24 regulations determined by the Board of Supervisors to be necessary for said
25 implementation and administration.

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1 56.2 Modification, Repeal, or Amendment. The Lake County Board of Supervisors
2 may repeal this Chapter, or amend it in a manner which does not result in an
3 increase in the amount of the tax or broaden the scope of the tax imposed herein
4 without further voter approval. If the Board of Supervisors repeals any provision
5 of this Chapter, it may subsequently reenact it without voter approval, as long as
6 the reenacted provision does not result in an increase in the amount of the tax or
7 broaden the scope of said tax. Voter approval would be required for any
8 amendment provision that would increase the rate of tax imposed pursuant to this
9 Chapter.

10 56.3 Examination of Records. The administration of the provisions of this Chapter shall
11 include, but shall not be limited to, the authority of the County to examine the
12 books and records, including tax returns, of any person subject to the provisions
13 of this Chapter. Any such examination shall occur at a reasonable and upon
14 reasonable advance notice thereof.

15 Sec. 18-57 Application of Provisions - Change in Law

16 In the event that the cultivation of cannabis for recreational use is legalized or
17 decriminalized in the State of California, the provisions of this Chapter shall apply, without
18 subsequent voter approval, to each person cultivating cannabis for such purposes in
19 accordance with the applicable provisions of County Code and all applicable state and
20 federal laws. No amendment or modification to this Chapter shall be required to conform
21 the tax to said changes and the tax shall be imposed and collected to the full extent
22 authorized pursuant to this Chapter.

23 Sec. 18-58 Payment of Tax Does Not Authorize Unlawful Business

24 The payment of the tax imposed pursuant to this Chapter, and its acceptance
25 by the County, shall not entitle any person to carry on medical cannabis cultivation unless
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the person has complied with all applicable requirements of the Lake County Code and all other applicable laws. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful cultivation in violation of any County ordinance.

Sec. 18-59 Severability

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of the Chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 18-60 Operative Date

In the event the Ordinance enacting this Chapter is approved by a majority vote of of the voters at the election on November 8, 2016, it shall become effective on January 1, 2017. However, no tax shall be imposed or collected by the County until so authorized by state law."

SECTION TWO: Election. An election on the issue of imposing a Medical Cannabis Cultivation Tax shall be held together with the statewide general election on November 8, 2016.

SECTION THREE: The purpose of the Ordinance enacting this Chapter is to impose a general tax to establish a government funding mechanism for those purposes described therein, but the County is not committing to any specific course of action with regard to the tax revenue generated hereunder. Therefore, this Chapter is not a "project" subject to the requirements of the California Environmental Quality Act ("CEQA") as defined in section 15378, subdivision (b).

SECTION FOUR: Within fifteen days of the passage of the ordinance enacting this Chapter, the Clerk of the Board of Supervisors shall publish a summary of this ordinance at least once in a newspaper of general circulation printed and published in the County of Lake.

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The Foregoing Ordinance was introduced before the Board of Supervisors on the
2nd day of August, 2016, and passed by the following vote on the 9th day of
August, 2016.

AYES: Supervisors Smith, Steele and Farrington

NOES: Supervisor Brown

ABSENT OR NOT VOTING: Supervisor Comstock

COUNTY OF LAKE

Chair Board of Supervisors

ATTEST: CAROL J. HUCHINGSON
Clerk of the Board of Supervisors

APPROVED AS TO FORM: ANITA L. GRANT

By: _____
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